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NEW AND IMPARTIAL

COLLECTION

OF

INTERESTING LETTERS,

FROM THE

PUBLIC PAPERS;

MANY OF THEM

Written by Perſons of Eminence,

On a great Variety of IMPORTANT SUBJECTS, which have occaſionally engaged the Public Attention:

From the Acceſſion of his preſent MAJESTY, in *September* 1765, to *May* 1767.

IN TWO VOLUMES.

VOL. I.

LONDON:

Printed for J. ALMON, oppoſite *Burlington-Houſe, Piccadilly.*

MDCCLXVII.

ADVERTISEMENT.

IT is well known that the public papers have been honoured with a great number of very excellent letters and eſſays, particularly during the late political diſputes, on ſubjects the moſt important and intereſting to the liberties and welfare of this country. To collect theſe into volumes has been the frequent recommendation of many perſons; who occaſionally admired them in the fugitive order of their firſt appearance, and conſidered them as papers too valuable to ſociety, to be conſigned to oblivion with the common news of the day. A collection of them was therefore publiſhed a few years ago in ſmall volumes; and the favourable reception which that little work met with, although the period which it included was only from May 1762, to May 1765, ſhewed the wiſdom of the advice which had recommended the plan. That collection has for ſome time been entirely out of print; and being frequently aſked for, has induced the editor to offer it again to the public; but with ſuch ADDITIONS, as the *ſubſequent occurrences*, not only made neceſſary, but muſt render the work particularly uſeful and eſtimable.

Theſe

Theſe are the letters on the ſeveral late changes of adminiſtration, on the taxation of the colonies, the dearneſs of proviſions, and a variety of other intereſting ſubjects. And in order to form ſomething like a ſeries of the whole, this collection begins with the acceſſion of his preſent majeſty; and throughout this firſt volume, ſeveral papers which had been omitted in the former work, are inſerted in their proper places. In a word, juſtice to the argument, and impartiality to the cauſe, have been the guides by which this collection has been made.

It is an obſervation in Kennet's Regiſter, which lord Somers has taken for his motto to his collection of tracts, and may not be unhappily applied here, " That the bent " and genius of the age, is beſt known in " a free country, by the pamphlets and " papers which daily come out, as con- " taining the ſenſe of parties, and ſome- " times the voice of the nation."

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A COLLECTION OF INTERESTING PAPERS.

A list of the several funds transferable at the Bank, India, and South Sea-House, with the annual interest paid to the proprietors, at the accession of his present Majesty, in Oct. 1760.

At the BANK.

	Capital. £.	s.	d.	Interest per Ann. £.	s.	d.
Bank Stock, 4½ per Cent.	10780000			485100		
Con. Ann. 3 per Cent.	33627821	5	1¼	1008834	12	9
Red. Ann. 3 per Cent.	17701323	16	4	531039	14	3¼
1726, 3 per Cent.	1000000			30000		
1756, 3½ per Cent.	1500000			52500		
1758, ditto	4500000			157500		
1760, 4 per Cent.	8240000			329600		
1761, ditto	12000000			480000		
Long Annuities, 1⅛ per Cent. 1760, on	11400000			128250		
Long Annuities, 1 per Cent. 1762, on	12000000			120000		

At the SOUTH-SEA-HOUSE.

South-Sea Stock, 3½ per Cent.	3662784	8	6	128107	9	1
Old Ann. 3 per Cent.	12404270	2		372128	2	
New Ann. ditto,	8958255	2	10	258747	13	1
1751, 3 per Cent.	2100000			63000		

At the INDIA-HOUSE.

India Stock, 6 per Cent.	3200000			192000		
Annuities, 3 per Cent.	300000			90000		
	121674454	12	9	4426807	11	2¼

On the equity of an equal Land-Tax.

That the public may judge of the equity, as well as expediency of an equal land tax, I have ſent you the following account: It is an old topic, but cannot be too often repeated; and never ſo much wanted as now. (*The Land-tax was at this time* Four Shillings *in the pound.*)

LONDON, Middleſex, and Weſtminſter, does not pay 3 s. in the pound.

No county in England pays more than 2 s. except Surry, Suſſex, Hertford, Bucks, Berks, Oxon, and Warwick—they pay above 2 s.

Kent, Norfolk, Suffolk, and Hampſhire, and the inland counties, pay from 20d. to 22d.

The great counties of York, Devon, and Somerſet, pay 1s. 6d. in the pound.

Cornwall pays leſs.—Wales, Lancaſhire, and the northern counties, pay under a ſhilling.

The Scots pay about the 41 part of the land tax, though the value of their lands is about one ſixth part of that of England.

Several pariſhes in London and Weſtminſter pay full (or more) than 4 s. in the pound, whilſt others ſcarce pay a third part, and ſome leſs than half that ſum.

Serjeants-Inn, Chancery-lane, contained about fifteen apartments, formerly for the Judges and Serjeants, worth about 50l. per annum one with another; the whole is about 900l. per annum: a tax of 4s. in the pound is 180l. They pay no more than 31l. 4s. which is about 9d. in the pound.

The

The whole of the three Temples about 7000l. per annum, for which they pay 400 l. per annum, which is not 1od. in the pound.

Pembrokeſhire pays 6d. Cardiganſhire 4d. in the pound.

Part of Radnorſhire pays 2s. other parts of the ſame 4d. in the pound.

On the neceſſity of raiſing the ſupplies within the year.

MOST men are convinced of the expediency of raiſing the national expences or ſupplies within the year; and that the conſequence of not doing it, will in the end as certainly prove fatal to the public, as the living beyond their income does to private families. Yet, like *true ſportſmen*, we have not the reſolution to look into our own affairs; and if our ſtewards raiſe us ſufficient for our *preſent occaſions*, we care not though our timber be cut down, our tenants rack'd, our farms impoveriſhed, and our lands mortgaged to the half of their value.

And who are they that are thus regardleſs of the *public weal?* Are they men of ſhallow underſtandings, or deſperate fortunes? Men who are deſtitute of *private oeconomy*, or unconcerned for the welfare of *poſterity?* No; thoſe who are poſſeſſed of every private virtue, who are converſant in buſineſs, expert in accounts, read in the hiſtory and police of our own and other countries, beſt acquainted with our domeſtic and foreign intereſts; thoſe who underſtand our *finances*, who frame our *laws*, who are guardians of our national ſafety, liberty, and glory, even *theſe* conſent to, or connive at, our running deeper and deeper in debt every year; fearful of *projects*, (as they call them) that is, of any change in the old methods of taxation; ſhifting off the

ſuppoſed difficulty to their ſucceſſors in power, or waiting for more favourable conjunctures; intent upon eſtabliſhing themſelves and their children in wealth, grandeur, and power, whilſt the conſtitution of their country, the vigour of government, *that* on which our internal tranquility and external glory depend, *that* which (under God) is the only ſecurity of our privileges civil and ſacred, is daily relaxed and ſinking into weakneſs. *If the foundations are deſtroyed, what will* the mighty *do?*

The truth is, *ſtateſmen* are timid, and would avoid trouble and hazards; and private perſons of property are averſe to paying down in taxes a large ſum, though as great a one is every year ſubſtracted from their eſtates, by the fall in the price of ſtocks and land. They think *they* are ſecure, while any thing remains ſo; and that thouſands muſt be ruined before they can be conſiderably affected.

Let any man of underſtanding compute what he has loſt ſince the beginning of the war, by the fall of the funds, &c. and how, what remains to him of land or ſtocks, is encumbred with additional duties; how dead our trade, how diſpirited our meaſures muſt be, when our merchants, our miniſters, *&c.* crouch under the weight of the public debt. And what joy and vigour would be immediately diffuſed amongſt ourſelves, and diſmay amongſt our enemies, if we could once ſay, the manufacturer, mechanic, and huſbandman are no longer burthened; articles of luxury alone are reſtrained or incumbered; and the government is maintained, and the war proſecuted, out of the *annual produce* of our lands, the *annual* profits of our trade and manufactures, and the ſuperfluities of men, who having acquired eaſy fortunes in the happieſt country on earth, are deſirous of knowing their true

true value, and of tranſmitting them with honour and ſecurity to their deareſt kindred.

P. Sal. Studiosus.

The ſame ſubject continued.

THE ſafety and firmneſs of every government reſts more on the *eſteem of the people*, than on any other baſis whatſoever; and the people will *eſteem a government* in proportion to the eaſe, plenty, and ſecurity, they enjoy; and that government, can never be ſhaken, which conciliates the affections, and good opinion of the people, by avoiding every thing which is inconſiſtent with their true intereſts.

How *glorious an æra* in the Britiſh annals is the *revolution! Liberty* was then eſtabliſhed *on the broadeſt foundation*; in conſequence of which, people knowing their conſciences, their perſons, their poſſeſſions, their poſterity, ſafe from all the encroachments of arbitrary power, ſet themſelves to cultivate the ſciences, to encourage arts, to improve manufactures, to extend commerce, and to eſtabliſh and perpetuate their families, in a country, where they were ſure peaceably to enjoy the fruits of their ingenuity and induſtry.

But even this happy conſtitution has been in danger of being undermined, by a worm imperceptibly preying at the root. I mean the methods, perhaps through neceſſity, or for want of foreſight, *then* adopted, of *borrowing money at intereſt* on Parliamentary ſecurity. Since *Jacobite* or *arbitrary* principles have been exploded, as for above half a century they have been by all ſenſible *Britons*, what has been the ſource of fear and apprehenſion to conſiderate men? What has afforded colour to party clamours and contention? What (I would be glad to know) but *the national debt*, its concomi-

tants, and apprehended conſequences? And by this means ſome of the beſt princes, this or any other country can boaſt, have been rendered uneaſy while they lived, and have had curſes entailed on their memory.

And will no man ariſe, who has wiſdom and reſolution to deliver *the incomparable Prince we now have on the throne*, and the memory of his royal predeceſſors in the houſe of Brunſwick, from *this fatal opprobrium?* Is there no man in this kingdom, who is endowed with talents equal to the cauſing this opulent ſtate to ſubſiſt *on the annual income?* What would be thought of a ſteward in a great family, to which a moſt ample patrimony was annexed, if he could not maintain the houſhold within his maſter's or lord's revenue?

It is not any *Britiſh Prince*, it is not *King William* and his ſucceſſors, who have run this nation in debt, to the amount of *one hundred and twenty millions*. Baſe is that heart which would place it to the ſcore of the *revolution*. It was a *fatal overſight* at firſt, to begin this method of raiſing extraordinary ſupplies, and it has been want of *attention*, *oeconomy*, and *reſolution* ſince, which has cauſed theſe meaſures to be perſiſted in. And the *ſubjects of Britain* have been more to blame than any ſett of miniſters, in that, notwithſtanding all their *groundleſs*, and often *ſenſeleſs* oppoſition, to meaſures they did not underſtand, they have never once loudly called out what the moſt ignorant amongſt them might have had ſenſe enough to dictate, "that they would bear "the *expences of their own times themſelves*, and "not incur *an enormous debt* which they would "leave to be paid *by poſterity*."

Are not our privileges worth the price they coſt us to maintain? And ſhall *we* enjoy them, and leave *the reckoning to be paid by our children?* Will

not

not ſuch a conduct be an indelible reproach, not only on the government, *but on this age and country in general?*

And have *the preſent race of Britons* no *honour*, no concern for the reputation of their *memories?* Diſcerning that they are, (as who does not diſcern it?) got into a *wrong political regimen*, which threatens a *palſy* to the head, and a *total debility* to all the members of the ſtate, are we ſo ſtubborn that we will perſiſt in rejecting all *methods of cure?* We have the means of redemption and ſafety yet in our hands; and to allude to the words of the *firſt Miniſter of the Moſt High*, 'Let us know *in this our* 'day the things which belong to our peace, before 'they are hid from our eyes.'

P. Sal. Studiosus.

The importance of Ireland *to* England.

IRELAND contains about fifteen millions of Engliſh acres, one eighth of which may conſiſt of mountains and bogs, a great part capable of improvement, and one half of the remainder either unoccupied, or very little cultivated.

Notwithſtanding this and many errors of her own and her neighbours contriving, that leſſen the inhabitants and throw a damp on induſtry, ſhe maintains about two millions five hundred thouſand ſouls.

In ſpite of every croſs accident, ſhe raiſes not only an annual revenue for her defence, and the ſupport of the ſtate, but likewiſe ſends a large ſum annually to her elder ſiſter of England.—That is to ſay,

For

	Raiſed by taxes in Ireland for 1 year.	Remitted to England annually.
For the civil eſtabliſhment, ſuch as the courts of law, ſtate officers, concordatums, penſions, &c.	109000	45000
For the military eſtabliſhment, ſuch as four regiments of horſe, eight of dragoons, 22 of foot and artillery regiment (making 22,000 men) with general officers, ordnance, barracks, half-pay, &c.	546000	78410
For parliament payments, and commiſſioners of the revenue, excluſive of all other revenue officers	42000	7000
For the linen manufacture and tillage	54000	
To this muſt be added Fees of cuſtom patentee officers		4000
For occaſional journeys to London, Bath, Briſtol, &c. for health, pleaſure, appeals, ſolicitations, &c. computed at 5000 perſons annually (excluſive of the commonalty) at 50l. each		250000
For the coſt and freight of woollen cloth, hard-ware, hops, corn, coals, ſilk, tea, ſugar, tobacco, and all other ſorts of commodities, with horſes to remount the cavalry, bought in England at leaſt		500000
Carried over	751000	884410

Brought

	Raiſed by taxes in Ireland for 1 Year.	Remitted to England annually.
Brought over	751000	884410
For the regular and conſtant abſentees, or perſons reſiding in England, who have eſtates or fortunes in Ireland, including the abſent officers in the army, and ſtudents at the Temple and univerſities		1200000
	£. 751000	2084410

N. B. Payment on King's letters, and the revenue of the poſt-office, make no part in this account.

* * * The charge for coſt and freight of goods, is certainly much under-rated, for the articles of corn and coals only amount to above half the ſum.

This is really ſtated as exactly as the nature of ſuch an account can admit. The only trade Ireland has to ſupport ſuch an expence, is linen cloth and yarn, beef, pork, hides, tallow, and butter, with wool and bay yarn, and (lately) live cattle into Great Britain only.

How Ireland can pay ſuch an immenſe annual tribute to England (immenſe conſidering her confined trade) is not eaſily to be accounted for; but it is moſt certain, that *when time* and *experience* open the minds of men; when partiality and vulgar prejudices ſhall ſubſide; when common ſenſe dictates the means of raiſing the commerce and induſtry of Ireland, without infringing on, but rather increaſing the natural manufactures and trade of England, at the expence of the enemies to both kingdoms; when it ſhall be ſeriouſly conſidered, that the ſons, and the poſterity of the ſons of Britons, now enjoying almoſt the whole lands

of

of Ireland with honour and unſhaken loyalty, have as natural a right to ſunſhine and privileges as the peaſants of the iſland of Angleſey; then, and not till then, can Ireland be thoroughly cultivated; the number of its inhabitants infinitely increaſed, and maintained with more decency, and her tribute to England riſe in proportion.

What Ireland now pays may be look'd on by ſome as trivial, becauſe no part goes immediately into the public revenue of England, yet ſhould partial and abſurd policy prevail (which can hardly be ſuppoſed) Ireland would indeed be the firſt to ſuffer, but the malady would ſoon reach to the vitals of the trade and manufactures of England.

The neceſſity of a law to regulate the practice of ſtock-brokers; with heads for ſuch a law.

HOW much public ſervice is hurt, private ſafety endangered, and the property of individuals affected, by *Bull* and *Bear* dealings in 'Change-Alley, is needleſs for me to ſet forth, as it is become a topic ſo common, both of writing and converſation.

Men well acquainted with the nature of the funds are convinced of the evil, but hitherto it has appeared difficult to find a remedy that could with ſafety be applied. If, therefore, ſuch an one can be propoſed, I ought not to doubt of its acceptance; and if I can make it appear profitable, as well as moſt ſafe for the nation to adopt, I muſt ſuppoſe it will prove ſtill more acceptable.

Several wiſe laws have been framed for the firſt-mentioned purpoſe*. But hitherto the dexterity of ſome men has enabled them to be the evaders or defeaters of them all.

* The 8th and 9th of William III. cap. 20. 6th. Anne cap. 16. 6th of George I, cap. 18. and 7th of George II, cap. 8.

Suppoſe

Suppoſe then, the laws which have been experienced to be ineffectual ſhould now be repealed, and one ſingle law made for regulating the tranſactions of the funds, and other government ſecurities, in ſuch manner, that, with leſs expence to parties who deal for ready money, a fund of no inconſiderable amount may be created, and applied towards the payment of the intereſt of that part of the national debt, which is ultimately ſecured by the ſinking fund; and which, I conceive, may be done by ſome ſuch plan as follows.

That the prices of all ſtocks transferred for ready money, be inſerted in the books of transfer in words at full length, in order for its being ſeen, at all times, that bargains were equitably made, according to the current prices of the day; and that ſuch transfers be ſigned by the perſons making the ſame, and likewiſe by the broker, if there be one employed. And I preſume to think no honeſt reaſon can be given, why ſuch a regulation ſhould not take place, as the practice at preſent is to ſpecify the prices in the receipts given by the ſeller for ſtocks ſold.

That no perſon whomſoever, employed in the buying or ſelling of ſtocks for others, ſhall, on any pretence, receive more than one ſhilling from the buyer, or one ſhilling from the ſeller, for every hundred pounds of capital ſtock ſo bought and ſold, to be paid at the time of transferring the ſame; or for one hundred pound principal money in navy or victualling bills, or any other kinds of government ſecurities bought and ſold: ſuch brokerage being the price that has always been paid for the buying or ſelling of India bonds and Exchequer bills; and is what may be deemed an ample compenſation for the trouble of brokers in ſuch tranſactions, as they are now become ſo numerous and conſiderable, from the extenſiveneſs of the funds.

That

That one ſhilling for every hundred pounds capital ſtock, bought and ſold in any preſent or future public funds, be paid by the buyer, and the ſame by the ſeller thereof, at the time of the transfer; to be accounted for by each of the Accountants General of the reſpective companies who have offices of transfer, to the treaſury, to be applied to the ſinking fund. A duty, which, I conceive, may be very eaſily executed, as there are books now kept in all the offices, which at one view ſhew the tranſactions of each day. But this payment ought not to extend to ſuch transfers as ſhall be made of ſtock where five ſhillings and no more is the conſideration, as by truſtees to the *ceſtique* truſt, executors of wills, *&c.* the facts in which caſes to be atteſted by oath.

That books be kept at the reſpective offices where transfers are made, for the regiſtering ſuch ſtocks as ſhall be bought and ſold for time, in which the names of ſellers and buyers, the prices and conditions of contracts, and ſpecifications of ſtock, ſhall be actually regiſtered; the regiſter to be ſigned either by the principals, their agents legally empowered, or by the broker employed, and witneſſed by two clerks of the regiſtry.

That ſixpence on every hundred pounds, ſo regiſtered, be paid at the time of regiſtering ſuch contracts; to be accounted for and applied as beforementioned.

That it ſhall be felony, for any perſon to ſell, for time, any ſort of ſtock without regiſtering the ſame upon the day of agreement. The conviction to depend upon the evidence of perſons who are not parties in the contract. And,

That it ſhall be felony likewiſe, for any perſon to regiſter the ſale of any ſtock for time, that does not ſtand in the books of ſuch ſtocks in the name of the ſeller at the time the ſame is ſo regiſtered

to

to be ſold. The conviction to depend upon the evidence of the entry in the regiſter-book, and the account of the ſeller in the books kept in the office of the ſpecified ſtock.

Such is the ſubſtance of the regulations which I offer to conſideration for the ſervice of the public, and which I believe may effectuate a correction of all abuſe, except what ariſes in the ſelling of ſubſcriptions to ſtocks before they are made transferable, and which I fear cannot poſſibly be prevented by any means whatſoever, upon the plan of late years adopted. But, I hope, there will be no more money raiſed by loan; as there are a variety of methods to be taken for raiſing the neceſſary ſupplies within the year.

PHILO-BRITANNICUS.

On the inattention of counſellors to the Briefs of their Clients.

I AM told it happens very frequently, that the moſt eminent council begin to plead the cauſes of their clients almoſt without having read their briefs, certainly without underſtanding them. Suppoſing this to be true, I will venture to ſay, and every reaſonable man will join with me in ſaying, that ſuch behaviour is in the higheſt degree culpable, and that no ſtation in life can protect that perſon from diſhonour, who is guilty of ſuch practice. Suppoſe a client ſhould, in conſequence of ſuch behaviour on the part of his council, ſuffer in his fortune; ought not ſuch council, in honour and conſcience, to repay whatever his client loſes? A poor farrier, who undertakes to ſhoe an horſe, muſt make good any damage he does by ſhoeing him careleſsly or unſkilfully. It ſometimes happens, that a client ſuffers alſo for ſome time in his character by the ſame means; the judge thinks that the party has acted

acted wrong, and blames him becauſe the council do not ſhew that he has acted right. It is indeed lucky for the client, as to his reputation, that no man of ſenſe or candour will lay any ſtreſs upon what may be ſaid on that head by council, farther than ſuch aſſertions are made out by facts; and common ſenſe and experience declare loudly, that there is hardly a man who commences a law-ſuit, 'till he has had the opinion of one or more eminent council in his favour; and if he takes care to have the fact, upon which his cauſe depends, fairly and clearly ſtated to his council, he has done his duty, becauſe the conduct of his ſuit muſt afterwards be left to his lawyers.

If, therefore, when the cauſe comes to be heard, the queſtion ſhall appear ſo plain as to admit of no debate; or if the cauſe ſhall have evidently been conducted improperly, the fault certainly lies among the lawyers, and they only ought to be blamed; and therefore, if it is not preſuming too far to adviſe thoſe who preſide in our different courts of judicature, they ought to be very cautious in praiſing or condemning the parties, without enquiring ſtrictly into their behaviour, leſt it ſhould happen that praiſe is beſtowed upon thoſe who deſerve puniſhment, and diſpraiſe upon thoſe who ought to be rewarded.

On the 5th of October, 1761, Mr. Pitt (*now Earl of* Chatham) reſigned *his office of Secretary of State: The cauſe of that reſignation he explained in the following letter to a friend in the city.*

Dear Sir,

FINDING, to my great ſurprize, that the cauſe and manner of my reſigning the ſeals, is

is groſsly miſrepreſented in the city, as well as that the moſt gracious and *ſpontaneous* marks of his majeſty's approbation of my ſervices, which marks followed my reſignation, have been infamouſly traduced as a bargain for my forſaking the public, I am under a neceſſity of declaring the truth of both theſe facts, in a manner which I am ſure no gentleman will contradict. A difference of opinion, with regard to meaſures to be taken againſt Spain, of the higheſt importance to the honour of the crown, and to the moſt eſſential national intereſts, (and this founded on what Spain had already done, not on what that court may farther intend to do) was the cauſe of my reſigning the ſeals. Lord *Temple* and I ſubmitted in writing, and ſigned by us, our moſt humble ſentiments to his majeſty; which being over-ruled by the united opinion of all the reſt of the king's ſervants, I reſigned the ſeals on Monday the fifth of this month, in order not to remain reſponſible for meaſures, which I was no longer allowed to guide. Moſt gracious public marks of his Majeſty's approbation of my ſervices followed my reſignation: they are unmerited and unſolicited, and I ſhall ever be proud to have received them from the beſt of ſovereigns.

I will now only add, my dear ſir, that I have explained theſe matters only for the honour of truth, not in any view to court return of confidence from any man, who with a credulity as weak as it is injurious, has thought fit haſtily to withdraw his good opinion, from one who has ſerved his country with fidelity and ſucceſs; and who juſtly reveres the upright and candid judgment of it; little ſolicitous about the cenſures of the capricious and ungenerous: accept my ſincereſt acknow-

acknowledgements for all your kind friendſhip, and believe me ever with truth and eſteem,

Oct. 12, 1765. My dear Sir, Your faithful friend, W. PITT.*

Several remarks were made upon the foregoing letter and reſignation: the vein and tendency of theſe, as well offenſive as defenſive, may be eaſily conceived from the following, which are ſelected from the vaſt heap publiſhed on that occaſion.

THOSE who have puſhed moſt for obtaining the declaration we have ſeen printed, have done the honourable maker of it the beſt of ſervices, and the like to the whole public. Thoſe doubts all vaniſhed at its appearance, which might, before it was made, have been very innocently entertained. The honours and rewards, that from general example, had created ſuſpicions, now appear to give great luſtre to their receiver, and greater glory to their beſtower. The patriot king and miniſter, become the inciters of our admiration more than ever. We feel an increaſed love for the ſtrong meriter of high rewards; and we more adore the princely virtues of the ever gracious perſon that conferred them. Such is the preſent ſenſe of a man, who, while in darkneſs, had his doubts.

BRUTUS.

* At the ſame time the following advertiſement appeared in the public papers.

To be ſold, ſeven coach horſes, belonging to the Rt. Hon. William Pitt. Enquire at Ormond Meuſe, the Back of St. James's-Square.

To

To a certain GREAT MAN.

SIR,

IN your extraordinary letter to Mr. —— in the city, inſerted in the common news-papers, you *admit*—that you withdrew yourſelf from his majeſty's councils, becauſe you were *no longer allowed* to *guide them*. . . . And you *aſſert*. . . . that you have been rewarded, not corrupted.

In this *aſſertion* you place your defence, and I agree with you in it entirely.

It is for his majeſty's honour to leave no pretence of extraordinary ſervice unrequited: and, having no unconſtitutional purpoſe to ſerve, he has no uſe for corruption.

But, in the name of God, Sir, how could any man in his right mind, ſuffer ſuch an *admiſſion* to eſcape him?

If you are to *guide* always, you *alone* conſtitute the *whole* cabinet council.

If every member had withdrawn himſelf, whoſe opinion had been over-ruled (and no one member is more privileged to do ſo than another) there would have been none left in it but yourſelf, long ago.

Among other extravagancies which your extravagant influence has given riſe to, I have ſeen you called *our dictator* in the news-papers. And here, you have given it under your hand that nothing leſs will ſatisfy you.

But, Sir, you ought to know, that there is no proviſion left in the *Britiſh* conſtitution for any ſuch officer; ſtated or occaſional; formally or virtually: That, on the contrary, ſuch a *monſter* was never ſeen among us but *once*; and *then* his power was built on the ruins of the conſtitution.

Yes, Sir, when we have a *dictator*, we have no longer a *conſtitution*.... And ſuch being the caſe, who will heſitate one moment to ſay, that he who diſcovers an ambition to be, what it was never intended a king ſhould be, deſerves THE SHELL; though reputed juſt as *Ariſtides*, wiſe as *Themiſtocles*, gallant as *Epaminondas*, and eloquent as *Demoſthenes?*

The reſentment of the public, Sir, was firſt excited on your behalf, even by a falſe ſuggeſtion, that you had been *turned out*; and when it became manifeſt beyond contradiction, that what was done, was your *own act* and *deed*, the herd of the *wrong-heads* (as if determined to be wrong every way) became more incenſed at your ſuppoſed corruption, than your *actual deſertion* of the public ſervice.

Now, Sir, I for my part, do adventure to pronounce, that this violent meaſure of your's was equally unneceſſary and inexcuſable.

Unneceſſary, becauſe thoſe *humble ſentiments* of your's, *ſubmitted* in *writing* to the board, (which we hope are forth-coming, to ſhew what you are *reſponſible* for in the preſent caſe) would have done you the ſame good office, if you had modeſtly relinquiſhed, or, at leaſt, ſuſpended your *opinion*, inſtead of reſigning your *employment*.

Inexcuſable; becauſe knowing your own all-ſufficiency (as it is but too apparent you do) you alſo knew what a ferment you were going to raiſe, and the pernicious effects to be expected from it.

And, upon the whole, Sir, what are we to do with our ſuſpicions, thus founded; that, among the ſecret motives which prompted you to this *abrupt* procedure, one was, *miſchief*; ſeeing that, even in this profeſſed palliative of yours, you are ſo wholly taken up with your own ability, your own righteouſneſs, and your own importance; you leave

the

the vein you have opened, without the leaſt remorſe, to take what courſe it may.

A. DUNSTABLE

EPIGRAM.

Three thouſand a year's no contemptible thing,
To accept from the hands of a patriot king,
(With thanks to the *bargain*, for ſervice and merit,)
Which he, wife and ſon, all three ſhall inherit;
With limited honours to *her* and *her heirs*—
So farewell, *Old England—adieu to all cares.*

A few of the abſurdities which diſtinguiſh a Right Hon. gentleman's character.

HE has ſpoke in favour of thoſe very meaſures, which he once reviled: and having firſt taught us to hold them in abomination, afterwards reconciled us to his purſuits of them. After the warmeſt declarations againſt *continental connections* —after the ſtrongeſt oppoſition to remitting either men or money to Germany, and a downright refuſal to conſent to give the D—ke of C——d any aſſiſtance there, though in the moſt deplorable circumſtances.—I ſay, after all this, he embraced *continental connections*, and ſent over men by ten thouſands, and money by hundred thouſands, and nobody in the leaſt offended or ſurprized—why may not he alſo, who has railed ſo long at PENSIONS and PENSIONERS, at laſt take a PENSION *himſelf*, and prove to the ſatisfaction of the whole world, that it is not the *thing done*, but the *how*, and the *why*, and the *when*, and by *whom* it is *done*, that conſtitutes the CRIMINALITY and offence!

He has inveighed againſt PENSIONERS, it is true: and he may ſtill continue to do ſo, for he has *no* PENSION.—No! what then?—Why, Sir, he has *an*

ANNUITY.—and a PENSION and an ANNUITY are not the ſame thing:—a *penſion* is but an *annuity* in embrio, but an *annuity* is a *penſion* brought to perfection and maturity.

Vindication of Mr. P.

BEFORE Mr. Pitt's advancement to the office of ſecretary of ſtate, diſcord and irreſolution prevailed in our councils, dejection and deſpair overwhelmed the nation, and our fleets and armies were ſunk into a ſtate of the moſt lazy inactivity, if not of abſolute cowardice and puſillanimity. But no ſooner was that gentleman entruſted with the management of public affairs, than he ſeemed, by a kind of magical influence, as it were, to infuſe his own virtuous, prudent, and heroic ſpirit, into every *Britiſh* ſubject. He reſtored unanimity and vigour to our councils, filled the minds of the people with truſt and confidence, and inſpired our ſoldiers and ſailors with ſuch a ſpirit of courage and intrepidity, as hath raiſed the *Britiſh* name to a degree of military glory, which few nations have equalled, and none have exceeded.

If therefore Mr. P. has accepted a penſion for himſelf and family, has he not deſerved it? Does not his ſovereign ſay he deſerved it? And does not the united voice of the nation applaud this inſtance of the royal favour? Has he, in conſideration of thoſe rewards, betrayed his country, or engaged to betray it for the future? On the contrary, has he not reſigned one of the moſt lucrative and honourable employments in the kingdom, becauſe he could not be allowed to purſue ſuch meaſures as he judged moſt conducive to the glory and intereſt of his country?

One may generally obſerve, that the body of a people has juſter views for public good, and purſues

ſues them with greater uprightneſs than the nobility and gentry, who have ſo many private expectations and particular intereſts, which hang like a falſe bias upon their judgments, and may poſſibly diſpoſe them to ſacrifice the good of their country to the advancement of their own fortunes; whereas the groſs of the people can have no other proſpect in changes and revolutions, than of public bleſſings, that are to diffuſe themſelves through the whole ſtate in general.

Our miniſter has reſigned in full credit with the people, in full eſteem with the King, and what crowns our happineſs, he has left us a free parliament, unpenſioned and uncorrupt. [*At this time the new parliament had not met.*]

But is the old corrupt leaven totally rooted out? Or has it been only ſuppreſſed by the firmneſs and ſucceſs, by the credit and ſuperior abilities of him who has reſigned? Has this reſignation been voluntary, owing to an inability of acting in ſo laborious a ſphere, occaſioned by a decay of ſtrength and bodily infirmities? Or did it proceed from an unnatural oppoſition to national meaſures, by the remnant of that miniſtry, whoſe abilities to joſtle our patriotic aſſeſſors in the cabinet, ſucceeded ſo effectually under the coalition in forty-two? and whoſe diſregard for the glory and intereſt of Great-Britain, is recorded by the bloody and expenſive effects, and by the inglorious conditions of the laſt peace.

Should this be the truth of the caſe before us; ſhould thoſe men ſtill maintain their footing about the throne, and fall down and adore him at St. James's, to whom they paid no regard at Charlton-houſe; ſhould it come out, that nothing but his credit with the people, a diſintereſted and diſembarraſſed conduct, a natural talent for ruling, and ſucceſs in the execution of his plans, could have

kept Mr. P— ſo long above their pique and reſentment? prudence calls upon us to provide againſt the fatal conſequences that may attend ſuch a reſignation, ariſing not from the reſignation itſelf, but from a poſſibility of ſuch men regaining that power, which they formerly abuſed, or were not able to improve for the real intereſt of this country.

Men of corrupt hearts, hypocrites and ſycophants, are moſt buſy on ſuch occaſions. They are deſperate, and ſtick at no means, be they ever ſo baſe, to get into power and to deceive Majeſty. Therefore it is the Sovereign's peculiar care not to be miſled by them: and ſhould ſuch men be taken into the management of national affairs, it is the duty of parliament to ferret them out, and to addreſs his Majeſty to remove them from his councils, from his employment, and from about his perſon.

The next public topic was the elevation of the Earl of BUTE *to the office of firſt Lord of the Treaſury; upon which occaſion the papers teemed with perſonal abuſe, and national reflections. However, ſome of thoſe fugitive eſſays were ſenſibly written, and contained ſtrong arguments: Theſe we have endeavoured to ſelect.*

IT gives me no ſmall offence, to obſerve Scotſmen and miniſterial writers endeavouring to deceive the public by general aſſertions which are falſe. One of theſe is, 'that all Britons are alike, 'and therefore it ought to be indifferent to the na-'tion who are inveſted with power, or who enjoy 'the employments of profit.'

Now I do ſay, that great power in England ought only to be truſted with thoſe who are the beſt friends to the Engliſh conſtitution. England, it muſt be allowed, is the moſt important part of the

the Britiſh dominions, has the greateſt ſhare of the legiſlative power, the greateſt quantity of all kinds of property, contributes by far the moſt to the ſupport of government, and alſo to the demands of ſtate, and therefore ought to have a full proportionate ſhare in the general exerciſe of power, and in the emoluments of office.

There is a wide difference between a Sovereign's ſervants and his miniſters. His ſervants have the care of his palace only: but his miniſters have that of the kingdom: in the choice of the latter, therefore, the inclinations of the people ought always to be conſulted. Miniſters are, by our conſtitution, conſidered as ſervants of the commonwealth, as well as of the crown, and muſt be as much anſwerable to the former as to the latter for their conduct in office. It may be quite indifferent to the people who wear the feathers of ſtate; but it cannot be ſo with regard to thoſe who have the diſpoſitions of their properties, lives and privileges in their hands. In truſts, therefore, of ſuch kinds, their paſſions will become intereſted. It is fit they ſhould be ſo: and it is fit alſo, in ſuch matters, that their inclinations ſhould be conſidered.

The Engliſh are not national in their perſonal attachments. They make friendſhips with, and do ſervices indifferently to, all their fellow-ſubjects. Who moſt act otherwiſe I leave to the experience of all men to determine, as well as of thoſe who now cry out for the indiſcriminacy of regards, and how far they themſelves are like to become impartial practicers of that general duty.

The care of religion, the adminiſtration of laws, the offices of government and revenue in Scotland, are now, and always of late have been, only placed in Scotch hands. That is far from the caſe in Ireland: nor is it quite the caſe in England. Which country therefore appears to have moſt national

conſideration? And which, from its comparative importance, has the leaſt reaſon to complain, or the moſt to be contented?

Do Engliſhmen, or Iriſhmen, ever complain that they do not come in for a ſhare of Scotch preferments? Or are they ever heard to aſſert, that they have an equal right to the enjoyment of them with the natives, or inhabitants of that part of Great-Britain. Fair play, and fair ſharing, is what in all things may be called honourable: and it is what prudence ſhould ſuggeſt for univerſal contentment.

Individuals are, and ever will be, ſelf-intereſted. It may perhaps be ever impoſſible to ſatisfy all mens deſires; but it ſhould always be a practice, by REAL impartiality, to adhere to ſuch regulations as ſhould furniſh to bodies of men, no reaſonable cauſe of complaint; at leaſt to the moſt conſiderable part of a people.

What I would be underſtood to blame is, partial infuſions of opinion under pretences of impartiality, and the propagating of erroneous notions under the colour of ſtrict duty; againſt the poiſon of which I have furniſhed theſe looſe hints. JOHN BULL.

Anſwer to the preceding Letter.

IF John Bull will review his looſe hints, I am perſuaded he will acknowledge, ſome of his own general aſſertions are erroneous, and formed more upon old prejudices than a juſt view of the preſent ſtate of things. That there are fewer Engliſhmen in offices, either in Scotland or Ireland, than Scotch or Iriſh in England, is plainly owing, not to any national attachment, but to the ſeat of government being in England. If the ſeat of the Britiſh government was either in Scotland or Ireland, doubtleſs it would be no wonderful thing to ſee great numbers of Engliſhmen filling a variety of

poſts,

poſts, both in the civil and military; but in that caſe few Scotch or Iriſh would leave their own country to ſeek for preferment in England. Can John Bull aſſign any good reaſon why the kingdoms of England and Scotland ought at this day to be looked upon as any thing elſe than a mere geographical diviſion of this iſland; and if this be allowed, his ſecond paragraph, urging a preference to one part more than another, falls to the ground. Narrow and vulgar minds are mighty fond of local partialities; and, like the country lady, who aſſerted, that the moon they had in their village was bigger than the London moon, vainly imagine that all excellence is confined to their birth-place; and that it would be abſurd to look for worth or abilities beyond ſuch a river, or out of ſuch a country.

The whole of John Bull's letter is founded upon ſuch falſe prejudices as theſe, conſequently, inſtead of inſtructing with candour, it tends to miſlead and deceive: but as it would be invidious to enlarge on the topics he has touched upon, I beg leave to conclude with his own words, 'That I muſt blame 'partial infuſions of opinion under pretences of 'partiality.'

Wanſtead, Eſſex. June 1762.

REPLY.

THE gentleman of Wanſtead has not only wilfully miſtaken my queſtions and aſſertions, but alſo my intentions. I did not aſk, if there were not fewer Engliſhmen in offices in Scotland or Ireland, than there are Scotch or Iriſh in England? I aſked, if Engliſhmen or Iriſhmen ever complained that they do not come in for any Scotch preferments? or ever thought they had an equal right to them with Scotchmen? and added, that was far from the caſe in Ireland, and not quite the caſe

caſe in England. But this, it ſeems, has given offence to the impartial pleaders for indiſcriminacy, and therefore I ſhall further explain myſelf.

I, who am an impartial Engliſhman, or legitimate ſon of old John Bull, do aver, that I never heard of any Engliſhmen or Iriſhmen who enjoyed poſts in Scotland. But I confeſs that Engliſhmen and Scotchmen enjoy moſt of the good poſts in Ireland, while the Iriſh enjoy very few in England: but the Scotch hold a much larger proportion here than their contributive capacity can entitle them to, if they had no eſtabliſhment of employments to engroſs in their own country. If the Wanſtead gentleman doubts of this, I ſhould be glad he would procure and publiſh, an accurate account of the neat produce of all Scotch taxes whatever; and place againſt them, the exact amount of all pays, ſalaries, and perquiſites of Scotchmen, in civil, military, and marine employments, on the Engliſh and Iriſh eſtabliſhments, without any mention of thoſe of Scotland, which they ſolely engroſs; and then ſtrike a balance, to ſhew the true ſtate of their contributive and benefited conditions, in order to juſtify their plea to univerſal indiſcriminacy. And after he has done that, I ſhould be glad he would ſtate an account of impartiality alſo, by giving liſts of Engliſhmen who have been advanced in life, and dealt with, by Scotchmen; and of Scotchmen who have been ſerved, and traded with, by Engliſhmen, in order to ſhew on which ſide generoſity and indiſcriminacy have moſt effectually been practiced. By all of which means we ſhall come to the knowledge of who are moſt favoured, moſt generous, and moſt impartial; and conſequently of thoſe who moſt contribute to the aboliſhing of all local diſtinctions: and of who, on the contrary, are the greateſt keepers of them up.

My

My ſiſter Peg is in fact a very rampant baggage; but it is not her place to be uppermoſt: there is no mounting of St. George, ſo ſhe muſt be content to knock under. The good humoured ſaint will always be inclined to give his neighbour St. Andrew a long lift behind him on his palfrey: but to think of getting into the ſaddle and ſeizing the reins, will require more tameneſs in the nag and his owner, than it is reaſonable to expect. Every one muſt chuſe to keep the power that belongs to him: and thoſe who will practice extraordinary feats of jockeyſhip, may perchance break their necks, or be thrown ſo deep into a bog, as to be never able to get out of it again.

JOHN BULL.

SECOND ANSWER.

THE whole tenor of John Bull's letters is pleading for an excluſive preference of one part of the iſland to the other. But all who are not blinded by prejudice will acknowledge, that there is but one kingdom in this iſland, that owes its wealth, power and grandeur to that happy circumſtance, and that no perſon born in any part of it is excluded from the higheſt offices, if his probity, rank, and abilities, entitle him to ſuch preferment. By the mutual contract of union, the inhabitants of both countries are undoubtedly entitled to the ſame common privileges; and I would aſk John Bull if he can find it ſtipulated in that treaty, that the inhabitants of one country ſhould perpetually *partes ſecundas agere*, when the proſperity of the whole depends abſolutely and indiſpenſibly upon the unity of the whole; I ſay, a ſeparate conſideration of parts detachedly is moſt abſurd. If the nation be well ſerved, what ſignifies it to the public in what corner of the iſland any officer, either civil or military, had

had his birth. If I were to divide a ſhip into two parts, and aſk John Bull which of the two was the beſt for ſailing to the Eaſt-Indies, he would doubtleſs reply, that neither of them could perform ſuch a voyage apart, but that it required the unity of both; and if he would lay aſide his weak partiality, he would plainly perceive, that the ſame unity is neceſſary for the well-being of the ſtate.

What ſport would it afford to the people of this iſland, if the Spaniards of Caſtile and Arragon, inſtead of attacking the Portugueſe, ſhould fall to leaving each other about national preferences? And would we not think them mad, and in the highway to deſtruction, if ſuch factious writings as are publiſhed every week in London, were brought to us from Madrid. If we would but coolly reflect what a figure we muſt at preſent make to foreigners, how our enemies will be triumphing, how imprudent our diſſentions muſt appear to our coloniſts, and how all Europe will be laughing at our abſurdities, we would certainly be aſhamed of our animoſities and contentions.

Wanſtead.

SECOND REPLY.

THAT the Wanſtead gentleman may no longer miſtake my meaning, I will now ſpeak very plainly. Scotland does not contribute a fortieth part towards the ſupport of government and war: juſtice therefore requires, that ſhe ſhould have but a proportionate ſhare of ſtate employments and emoluments: is this reaſonable, or is it not? yet perhaps Scotſmen have long enjoyed near twenty times their due, and the Engliſh have not much repined at it. But as there is now a power lodged in Scotch hands for diſpoſing of all revenue offices, the Engliſh, ſenſible of Scotch partiality

from

from long experience, do entertain an opinion, that the fleeces of their rich paſtures are doomed to the ravage of the hungry and naked wolves of the barren mountains of the north, becauſe they know that no North Briton dares reſtrain their greedineſs for rapine, without being conſidered as an alien, or an apoſtate, and purſued by them as an enemy.

Why therefore ſhould a man accept of a ſtation that muſt create enmity to him in one party or the other, and likewiſe that muſt cauſe diviſions? By doing ſo, he is ſurely the author of them; and his partizans ought not to complain of clamours, ſince his quitting that ſtation will at once put an end to them. Public union is then a matter entirely in his own hands: he only has been the deſtroyer of it, and he ought to be its reſtorer. If he thinks agreement will be of advantage to the kingdom, let him make the only ſacrifice that can moſt effectually promote it. This will be manifeſting the ſtrongeſt affection in his power, both to his ſovereign and his country. One man's ambition ſurely ought to appear more conquerable than a whole nation's opinions, or even prejudices, which have been rooted in experience, and which they are not ſoon like to part with; at leaſt 'till they ſee a good cauſe for giving them up.

What has England got by the union, but the mere means of living quiet? Which ſhe purchaſed with the repartition of her whole commerce and colony-proprietorſhip. If Scotland receives more by government employments than ſhe contributes towards its ſupport, of courſe England protects her in all induſtrious purſuits, and has given her a ſcope that will be endleſs for proſecuting them to advantage. What would ſhe have more? Let her ſpeak out and ſay 'Why all go-
'vernment employments in England, as well as
'in Scotland: we want the Engliſh to labour,

'and

'and ourſelves to be their taſk-maſters and plun-
'derers, the clear ſingle motive of our pleas for
'indiſcriminacy, which we claim in the ſouth,
'but deny in the north.'

It is not the fault, but misfortune, of Engliſh-men, that Scotland is a poor and barren country, like Wales. But while Wales ſends us up chair-men and footmen, and huſbandmen to work in common with us, and on a cordial and equal foot-ing; what right has Scotland to ſend us up whole ſhoals of pretended gentlemen, who did not wear ſhoes in their own country, to live in affluence and idleneſs upon our labours and eſtates? For it is the produce of them which conſtitutes the whole go-vernment revenue, and therefore the emoluments and employments of it ſhould be kept ſacred to the people who contribute to its produce. Let but the Scotch mingle among us as they ought, and keep up no ſeparate intereſt, and then we ſhould be as little jealous of them as we are of any others of our fellow ſubjects, but while they hang together, and are partial, they provoke us to do the ſame.

JOHN BULL.

General objections to the Earl of Bute's *elevation.*

THE real matter of contention appears to be, whether the chief power of adminiſtration ought to be in the hands of the Scotch, or the Engliſh? For to ſay that the union is ſo compleat as to have eſtabliſhed an union of opinions and pur-ſuits, would be aſſerting the thing that is not. The Scotch, as the ſmaller number, do hang together; and prevent thereby ſuch an union; and as their motive for doing ſo is that of individual intereſt, which they ſtrenuouſly promote by national union; that union creates a jealouſy which cauſes a coun-ter one for oppoſing them; for it cannot be ex-

pected,

pected, but all bodies of people, as well as individuals, will be self interested: and therefore union, on this principle, established on one side, will create it on the other.

The union of the two kingdoms was at best greatly defective; because Scotland has a different established religion to England, and had, 'till within these very few years past, a different civil constitution likewise. There heritable jurisdictions excluded the essential democratic part of ours, and were infusers of principles of government incompatible with English ones. Time may abolish those principles; but they are not abolished yet: and 'till they are quite abolished, constitutional power here in Scotch hands, will, with some strong colour of sound reason, be always dreaded by the English. Their excellent constitution is their greatest glory and happiness, and in both cases must be allowed to be the greatest that were ever enjoyed by any people upon earth. This is an interesting consideration, which will force its own weight: and as experience has convinced them, that, from the nature of their own old constitution, when invested with power, Scotchmen are apt to be overbearing as well as partial, it cannot be expected that Englishmen will not think their rights and interests at home will be always safest in English hands; and while they have reason to think so, they will not be satisfied without it.

Nor can they deserve accusation on this head: nor ought their moderation to be arraigned, while they interfere not with the laws, the religion, the government or offices of Scotland, nor ever repine at the military or marine employments, or even civil ones on the English establishment, given to Scots, if the exercise of them cannot endanger the constitution. They glory in the moderation of their government and laws: and abhorrence of those

rigours

rigours which Scotchmen are prone to exerciſe, from the arrogance which ariſes from their ariſtocratical principles. Even the Engliſh noblemen are ſeen tender of availing themſelves of the privileges of peerage which the conſtitution allows them: and if any act otherwiſe, they are ſure to be hated for it; as all men will be deteſted who appear arbitrary and tyrannical in office. Theſe are juſtifiable motives in Engliſhmen for being jealous of high power over them being given to the Scots. As juſtifiable is that of having a right regard for their own intereſts: and ſuch we muſt ſuppoſe they ever will have, as being what really ought to be.

A South Briton.

A defence of Lord Bute.

Multos abſolvemus, ſi cæperimus ante judicare, quam iraſci. Nunc autem primum impetum ſequimur: deinde quamvis vana nos concitaverint, perſeveramus, ne videamur cæpiſſe ſine cauſa: et quod iniquiſſimum eſt, pertinaciores nos facit iniquitas iræ.

Senec. de Ira, lib. iii.

THERE has been of late a change in the miniſtry, and this has produced a great deal of wonder, and is like to produce a great deal of altercation. Adminiſtration has within half a century paſt, ſo far extended its immediate influence, that no alteration therein, however neceſſary, can be made, but it muſt create a kind of feeling unknown to former times. There are now ſuch numbers connected by intereſt, or by hopes, which is as ſtrong a tie, to men in power, that remove them with or without cauſe, murmurs will riſe. Beſides, there has been of late ſo ſtrong a propenſity to democracy, artfully encouraged by thoſe whoſe purpoſe it was to ſerve, that multitudes were drawn to approve meaſures they did not underſtand,

ſtand, and then taught to eſpouſe them, by methods utterly inconſiſtent with our conſtitution.

It is univerſally agreed, that we have a prince upon the throne as eminent for royal virtues, as conſpicuous for the love of his people, as any monarch that ever filled it: a prince, who in his private life may be a pattern to his ſubjects: a prince, who in duty to his parent, in affection to his conſort, in his kindneſs to all the royal family, is apparently one of the beſt of princes: a monarch, who from the moment of his acceſſion has been giving repeated marks to his ſubjects of his real and ſincere concern for their welfare; who, inſtead of attempting to extend, has voluntarily curtailed his prerogative in thoſe inſtances where it might, in his own hands, or in thoſe of his ſucceſſors, have been injurious to the public: a monarch, who has ſhewn a due regard to his glory, and at the ſame time a royal tenderneſs for the vaſt expences that were requiſite to ſupport that glory, from the continuing of a war which preceded the commencement of his reign: a monarch, who in the midſt of victories has always manifeſted a deſire of peace, and at the ſame time a reſolution to accept of no terms inconſiſtent with the honour, the ſafety, and the welfare of the nation: a prince inclined to live with oeconomy, and recommending public frugality in the management of the public treaſure to all his ſervants. This monarch had his mind formed, and thoſe confeſſedly excellent principles inſtilled by this new miniſter, who, though he be a new miniſter, had been his old and faithful ſervant.

But though theſe ſervices might be ſufficient to recommend him to the king, there may be ſomething more neceſſary to reconcile the royal choice to the people. This miniſter has none of the uſual connections; he has not been raiſed to power by a

faction; he has not, he cannot have that kind of influence which might ſupport his meaſures of whatever nature: he muſt, therefore, be ſupported by the rectitude of his meaſures. His merit recommended him to his maſter; his merit only can juſtify his maſter's choice to his ſubjects. It is upon this, and this alone, that his adminiſtration depends; and this, one may preſume to ſay, is the beſt and ſtrongeſt ſecurity the nation can have for his behaviour. It is impoſſible for us to diſtruſt him without diſtruſting ourſelves: when we pretend to doubt of his capacity for government, we give up our own capacity of being equal and impartial judges, and ſeem to be afraid of that confidence which the moſt gracious of all ſovereigns repoſes in us.

But it will be objected, that, notwithſtanding all this, he may meet with oppoſition. No doubt of it: the Burleighs, the Walſinghams, the Clarendons, the Somers's, the Godolphins, all met with oppoſitions; and yet they were great and good miniſters. If ſome kings have been undone by adhering to their favorites, many more have been made unhappy through the want of ſteadineſs to ſupport their miniſters. It is no great diſcovery, that as evil miniſters will be oppoſed by good ſubjects, ſo honeſt miniſters may be maligned by faction.

An anſwer to the preceding letter.

THE firſt allegation I ſhall take notice of is, 'that there has been of late ſo ſtrong a pro-'penſity to democracy, &c.'

I know of no power that the commons have of late gained in Great Britain. They are like the Scotch nobility, repreſented in parliament; and, like the Scoch nobility too, liable to be diſpoſed of

of by their repreſentatives. They are thoſe who furniſh the principal ſupplies to government, by their numbers and their labours; they are the principal defenders of the nation, and atchievers of its conqueſts. They have therefore rightly belonging to them a third part of the legiſlative power. But has their part of that power any way retrenched the portion of it which belongs to the peers? or have they not rather loſt a part thereof by the continual alienations of property, and of courſe influence, from the late frequent removal of many of the rich men of their order into that of the peerage? Power follows property: and every acceſſion of property to the ariſtocratical ſcale, lightens that of the democratic. Should the frequent practice of peer-making therefore go on, the houſe of peers, in a ſhort time, will become the makers of the houſe of commons, by which means they will enſlave both the crown and the people, and eſtabliſh a virtual ariſtocracy, of all kinds of government that which is moſt tyrannical.

That his majeſty poſſeſſes all the illuſtrious qualities of mind and heart, which are mentioned in the preceding letter, there is no Briton who does not acknowledge: but there are ſome who do doubt of his having his mind formed, and all thoſe excellent principles inſtilled in him by this new miniſter, becauſe he was neither parent, or governor, or preceptor to him, but was a meer officer of his houſhold, and that not in the higheſt degree; nor have we reaſon to believe, that his ſuperiors in ſtation were either leſs virtuous, leſs wiſe, or leſs zealous than himſelf; and therefore as he had a moſt excellent parent, had honourable governors and able preceptors, as well as many other officers about him of great character and merit, ought we not to attribute ſome of his rare virtues to his own excellent nature and diſpoſition, and moſt of his

mental infuſions, to that fond parent who ſo tenderly loved him, and to thoſe honourable and worthy perſonages whoſe expreſs duty it was to form his mind by education? all of whom are thus robbed of their honour to decorate the ſhrine of a volunteer, whoſe flatterers indirectly accuſe them of neglect, in order to beſtow a high merit on him, for what in his ſtation he cannot be ſuppoſed to have had any thing to do with.

But what aſſumptions are too daring for reſolute ambition? If this extraordinary ſervant really loved his royal maſter, his own intereſts would have been the laſt which he would have laboured to promote. The attachments of real friendſhips are always generous and diſintereſted. They are mean ſycophants and minions, who ſeek by ſervilities to create a confidence which they avail themſelves of for their own perſonal advantage. A truly noble nature ſhould have carefully guarded againſt all ſuch imputations, by declining the favours on which envy or ſuſpicion could raiſe a doubt of real worth; and have diſdained to ſink as a friend, in order to riſe as a ſervant.

Can that ſtock of friendſhip and merit be a true one, where one party, in order to acquire power, is ſeen reſolutely to ſacrifice the popularity of the other? No: let us learn to diſtinguiſh affection from pretenſion, and give to every quality and thing, no other than its proper name.

'But (ſays his advocate) this miniſter has none 'of the uſual connections.' On which I aſk, will the treaſury not create them? —'He has not 'been raiſed to power by faction.' But will not his power form a faction for him? I warrant it will, if you give it but time to operate. —'He has not, 'he cannot have that kind of influence which 'ſupport his meaſures of whatever nature: he 'muſt therefore be ſupported by the rectitude of

'his

'his meaſures.' Influence we know follows power and money; ſhe is a proſtitute to be purchaſed; and rectitude will not be requiſite when the purchaſe of her is made.—'His merit recommended 'him to his maſter;' and what follows is exactly what has been ſaid of every adminiſtration on its commencement.

We come next to the common cant of court champions, in telling us, the Burleighs, the Walſinghams, the Clarendons, the Somers's, the Godolphins all met with oppoſitions; and yet they were great miniſters: and there are thoſe who will tell you, the Empſons, the Dudleys, the Wolſeys, the Northumberlands, the Somerſets, the Buckinghams, the Cabaliſts, and the Sunderlands, were the ſame; and in which of the claſſes our preſent miniſter may come to be placed, there are probably North Britons and South Britons who differ widely in opinion.

'But (ſays our writer) if ſome Kings have been 'undone by adhering to their favourites, many 'more have been made unhappy through the want 'of ſteadineſs to ſupport their miniſters.' The number of the former have indeed been very many: but I hardly recollect an inſtance in the latter caſe from the hiſtory of England. A king and his people are like man and wife: they never get any thing by diſagreeing with each other.

A King of Great-Britain, in poſſeſſion of the affections of his people, is the greateſt of monarchs; but in a ſituation that is the reverſe, he may be the moſt miſerable of all mortals.

POPLICOLA.

A remarkable letter, upon the proſpect of a peace, which was circulated with ſingular induſtry, firſt in the form of an hand-bill, and publickly delivered at the Royal Exchange, and other places, and afterwards printed in the public papers.

To a gentleman in the city.

I AM told that there is a great clamour in the city againſt the peace. The gentlemen of the city are very much in the right to clamour againſt any thing they think wrong; but they may poſſibly be miſtaken in their opinion. I dare ſay, they do not pretend to infallibility, and will hear with patience any man whoſe ſentiments differ from their's. Altho' politicians have ſhort memories, yet I take it for granted, that every body who talks of public affairs remembers the beginning and origin of the preſent war. Great-Britain entered into a war with France to put a ſtop to the encroachments of that nation in North America; and the weſtern world, as it was the ſole cauſe, ſo it was at firſt allowed to be the primary object of the war. How we came to change both the object and the theatre of the war, I will not take upon me to determine: 'tis ſufficient for my purpoſe to obſerve, that after the war has endured for ſeveral years, upon a plan of expence unheard of, and even incredible; a plan propoſed, not for a continuance, but merely for one vigorous effort, yet the ſtate of the German war remains nearly the ſame, and we have notwithſtanding our repeated victories, a wolf by the ears.

I acknowledge with pleaſure that we have prevailed in every other quarter of the world: Our enemies, ſufficiently ſenſible of this, ſue for peace; and offer conditions, which the miniſtry have ſo far approved of as to agree to treat upon them. What theſe conditions are, is not yet made known to the public; but the adminiſtration have declared

that

that the terms now offered are much more favourable to Britain than thoſe that were the foundation of the treaty laſt war. As I write not to juſtify or defend the miniſters, I write without any particular information, and think myſelf not the leſs fit to expreſs the ſenſe of an honeſt man, warm with love to his country, and zealous, at this great criſis, for her intereſt, which faction and folly combine to hurt.

I take for granted, that the peace now offered by France and Spain united, is in many reſpects better, and in no reſpects worſe, than the peace which was ſo near being concluded laſt year, when we had no enemy but France to contend with. And is not this general outline highly ſatisfactory, till more is known; Is Spain nothing in the adverſe ſcale? Is the defence of Portugal no addition to the burden of the war? If I ſhould adventure to gueſs at the terms, and enumerate upon report (and many people clamour upon no better authority) the particular advantages of the peace, I ſhould be at a loſs to know what the enemies of peace really think advantageous to this country: For their opinion, or at leaſt their language is totally changed.

North America, that mighty empire, which we ſo lately eſteemed as the baſis of our trade and greatneſs, is now undervalued and deſpiſed.

Cape Breton, conquered at a great expence, and extolled in the addreſſes of a former day, as a conqueſt ſo advantageous to us, and ſo pernicious to our enemies, hath loſt all its conſequence.

Senegal, the firſt place taken from the enemy during a late adminiſtration, whoſe importance we heard ſo much of at that time, is now depreciated as an uſeleſs, burdenſome poſſeſſion: In ſhort, every thing that it is ſuppoſed we are to keep at the peace, whether in Europe, Aſia, Africa, and America, is di-

miniſhed to nothing; and every thing that it is imagined we are to reſtore, is magnified without meaſure.

Is this the voice of truth, or is it the language of prejudice and error? Thoſe who maintain, that we ought to keep all that we have conquered, muſt certainly believe that France is totally ruined, and unable to ſupport even a languiſhing and defenſive war; But is there any reaſon to believe that France is reduced ſo low as to ſurrender at diſcretion? to give up every thing but France itſelf; to give up its exiſtence as a trading ſtate and maritime power? How often have we been deceived in our ideas of the weakneſs of France? And ſhall we, upon a precarious, nay an improbable ſuppoſition, run on in a career, that muſt prove fatal to ourſelves? Like Pyrrhus we may be undone by our victories; or like Gaſton de Foix we may purſue a vanquiſhed enemy, till we alſo fall in the field.

I do not take upon me to ſay, that it is impoſſible to raiſe even the immenſe ſums required for another year: but I affirm, and call upon the enemies of peace to contradict me, that there is no certainty, no likelihood of compelling France, to ſubmit to terms better for us than thoſe now offered, by another campaign, and another after that: and what will be the condition of this country, if the preſent enormous expence continues? France already feels its full diſtreſs; ours is not yet come: if the war continues, our diſtreſs is near at hand.

France ſupports the expence of this war by an immediate and cruel taxation; we borrow immenſe ſums, the burden of which we ſhall feel hereafter. Already the want of men and money is complained of in every county of this kingdom, Middleſex excepted. As the capital derives peculiar advantages from the war, is it not reaſonable to ſuppoſe that there are individuals who exclaim againſt a peace from motives very different from love to their country? the partizans of former miniſters conſpire

with

with the ſelfiſh and the intereſted, to diſtreſs the preſent miniſtry by oppoſing a peace, which, however ſalutary to the public, would put an end to the gains of inſatiable avarice, and cut off the hopes of criminal ambition: nay, a foreign prince, who owes ſo much to the bounty of this generous nation, pretends to be enraged that Great-Britain preſumes to take care of itſelf; and his inſolent emiſſaries join in the cry againſt a miniſtry, who are ſo ſingular in their politics, as to prefer the intereſt of Britain to that of Germany. This is the firſt miniſtry that ever did ſo; and ſhall they be rewarded with reproach and defamation, for doing what has been ſo long paſſionately wiſhed for, and yet deſpaired of? Is it poſſible to imagine, that the people of Great-Britain can be deluded to ſuch a degree as to murmur againſt their ſovereign, for having a Britiſh heart, and preferring the proſperity of his native country, to the intereſt and paſſions of a foreign prince?

A political writer of the firſt claſs has bequeathed to the world an obſervation, that I hope will be verified by the conduct of Engliſhmen upon this great occaſion. There are ſays he, 'in every nation (whoſe conſtitution is not ruined) a number 'of perſons who love their country. Their voice, 'in the beginning of troubles is not heard: it is 'ſuppreſſed by the clamour of the multitude; but 'this voice grows louder and louder, and becomes 'uppermoſt at laſt, or the ſtate is undone.'

I have ſuch confidence in the general candour and good ſenſe of my countrymen, as to be firmly perſuaded that the voice of truth and reaſon will ſoon be uppermoſt in Britain; that the people, though neceſſarily liable to deluſion, will open their eyes, and judge fairly for themſelves; and they will then applaud that miniſtry whoſe firmneſs, and integrity, in ſpite of oppoſition, concluded a peace which ſecured to this nation immenſe acquiſitions,

and

and terminated the moſt expenſive and hazardous war we were ever engaged in, with dignity and with glory.

Wandſworth, Sept. 5, 1762.

An anſwer to the preceding letter.

WE are told by the letter-writer at Wandſworth, what has been ſince repeated by the Auditor, that " the peace now offered by France " and Spain united, is in many reſpects better, and " in no reſpect worſe, than the peace which was ſo " near being concluded laſt year, when we had no " enemy but France to contend with." I ſhould be glad to know, from one of theſe gentlemen, (ſuppoſe the Auditor, for he is a weekly writer, and probably the beſt inſtructed) what is meant here by the word better? Does it not mean ſimply, that more is to be given up to us by theſe preliminaries, than what was to have been yielded to us laſt year? Or has it a fair and comparative relation to the circumſtances of the war, as it ſtood then, and as it ſtands now? And that, as the *uti poſſidetis* was to be the baſis of the peace at that time, ſo the preſent *uti poſſidetis* is to be the foundation of the preſent peace. If the laſt be the true meaning of this paragraph, and if this overture of peace be not to take place till the fate of the Havannah be determined, (as was the caſe laſt year with reſpect to Belleiſle) every true Engliſhman will bleſs the inſtruments of ſo happy and honourable an event: and indeed, if theſe writers have any authority for what they ſay, this laſt can be the only true and genuine meaning: for, France and Spain united, and, no enemy but France to contend with, argue a compariſon between our ſituation laſt year, and our preſent

ſent ſituation; and it would imply the meaneſt prevarication, partially to compare one circumſtance of the war, and to drop the compariſon in every other circumſtance. If, to the misfortune of Britain, the firſt interpretation is the true one, I ſay, we may have the offer of a better peace than what was near being concluded laſt year, and yet the acceptance of ſuch a peace may be now highly diſhonourable and injurious to this nation. To exemplify this truth, nothing more is needful than to purſue the comparative ſtate of the war, ſo artificially introduced in one point of light only, and ſo ſilently paſſed over in every other point;—let us candidly view it in every point of light.

Since the laſt year we have incurred an additional debt of twelve millions, a war with Spain, and the loſs of Newfoundland.—On the other hand, we have gained Martinico, and all the adjacent iſlands; the Havannah, with twelve ſhips of the enemy's line of battle, and an immenſe treaſure, are moſt probably in our poſſeſſion; Portugal, which employs ſeventy or eighty thouſand of the enemy's forces, is now in our alliance; our brave ally, the king of Pruſſia, who was beſet by foes on every ſide, has emerged from his diſtreſſes, having ſcarcely more than one power to contend with, over which he has a manifeſt aſcendancy; the French, who threatened Hanover from the banks of the Weſer, are now fled to the Mayne, after leaving ſome garriſons in Heſſe, which in all human likelihood will be ſoon reduced; and that country, which, if I miſtake not, was valued againſt Guadalupe and its dependencies in the laſt preliminaries, will now be reſumed without the ranſom of ſo precious an exchange. To compare then our preſent ſituation with what it was laſt year, we have to conſider, what we have gained, and what we have loſt.

We

We have gained,	We have loſt,
Martinico, the Grenadillos, St. Lucia, Dominica, St. Vincent: an equivalent for Guadalupe and Marigalante: and moſt probably the Havannah.	St. John's in Newfoundland: which was taken by the enemy, with two ſhips of the line of battle, and a few ſoldiers.

This fair repreſentation of facts muſt convince every one, without further comment, that we have a right to inſiſt on much better terms of peace, than we could preſume to think of in the laſt year's preliminaries, though the loſs of St. John's may juſtify a leſs advantageous peace than might otherwiſe reaſonably have been expected.—After all, we may comfort ourſelves with the aſſurance of an excellent peace, on the footing of each power retaining what it has conquered, though a very valuable conqueſt on our part ſhould be ſet off againſt this acquiſition of the enemy.—With regard to our increaſed debt, we ought to conſider that great advantages cannot be obtained without great expence; it would be as vain to imagine it, as to expect great victories without bloodſhed; if we complain in victory, what muſt be the lamentations of the vanquiſhed? And if our conqueſts have coſt us dearly, we have the more right to demand the fruits of them.—As to our war with Spain, this year's experience has ſhewn how little cauſe we had to fear the enmity of the Spaniards, and how much reaſon they had to dread ours: for, provided the Havannah be taken, they will ſoon feel inevitable ruin on themſelves, while they ſought to avert it from the French; and ſince our conqueſts this year have exceeded the conqueſts of any former year, it appears that France and Spain united are not near ſo ſtrong as France alone was at the commencement of the war: why then ſhould we quit

any

any of our pretenſions to what we have conquered? Why not demand the ſame kind of terms, *viz.* the retention of our conqueſts, as would have been the caſe had the treaty laſt year taken place. That treaty went off: the laſt hope of France was in Spain: Spain unites herſelf with France, and has ſhewn how light ſhe is in the ſcale againſt us. Beaten as the French are, out of all their hopes, as well as out of the field, ſhall we give them back all their iſlands, and all their commerce, that they may be enabled once more to diſpute with us the ſovereignty of the Seas? Is it beſt to raiſe an implacable enemy from the duſt, and give him time to breathe, 'till he can renew the aſſault when he finds it moſt for his advantage? or to take proper meaſures to impair his ſtrength, ſince we cannot eradicate his malice? In ſhort, ſhall we be generous enough to conſult the intereſt of France, and forego our own? for that may be the caſe in the preſent poſture of our affairs, though the preſent treaty compared literally with the former, may be in many reſpects better; though the former, at that time, might not deſerve blame. For by the ſame rule that a peace, on equal terms, would have been a good one two years after the commencement of the war, when we had loſt Minorca and been beaten in America, yet if the ſame ſort of terms had been adopted laſt year as a plan of pacification, though mingled up with ſomething that would have made it in many reſpects better, and in no reſpect worſe, all the world would have decried ſuch an infamous peace; ſo the peace which was near being concluded laſt year, might not then have been diſguſtful, yet, without conſiderable additional ceſſions by the enemy, it may now become very unpalatable, and be held in abomination, even if it ſhould be ſweetened over with ſomething better.—Every one knows that our enemies would give up nothing that formerly belonged to them

them through the mere deſire of peace; it is neceſſity that drives them to any conceſſions, and the ſame neceſſity will compel them to accept ſuch conditions as our conqueſts enable us to impoſe.

They will certainly renew their claims when they think themſelves ſtrong enough, whether we keep the whole, or a part only of what we have poſſeſſed ourſelves by dint of arms; and they will ſoon forget our bounty in reſtoring a part, whilſt they will remember the injury done them in retaining any thing. Can there be a doubt, therefore, whether we ought to inſiſt on the retention of the whole? there is a double policy in it, we ſtrengthen ourſelves and weaken the foe. If the enemy comply we have nothing to fear from them for many years to come; if they reject the terms, when can there be ſo fit a time to proſecute the war, as when the enemy cannot effectually reſiſt us either by ſea or land? I have argued thus far on a ſuppoſition that this aſſertion of a better peace came from authority. Who tells us ſo? why, an anonymous letter writer, and a common weekly advocate for miniſterial meaſures, (*the auditor*). This is poor authority indeed.—But, beſides the futility of ſuch teſtimony, we ought to be peculiarly on our guard at preſent, how we truſt to any pretended authority: till lately, I thought the Gazette a very good authority; but I dare ſay the miniſtry will not allow it to be authority; for juſt before our rupture with Spain, the Gazette told us, we were on the moſt friendly and loving terms with Spain, and the very next Gazette informed us, that we were underſtood by that court to have made a formal declaration of war, by aſking a queſtion, which in ſubſtance amounted only to this, *Whether Spain was reſolved to be at war with us or no?* The miniſtry knew full well on what tickliſh ground we ſtood with that court, and had inſtructed our ambaſſador

to

to dreſs up, in the moſt tender and delicate terms, the queſtion they found themſelves under the neceſſity to put; which queſtion Mr. Wall pronounced to be an inſult on his king, and to amount to a formal declaration of war. Yet the Gazette had told us over and over again, that we were on the moſt amicable footing with that court; therefore the miniſtry will deny the Gazette to be authority; for certainly they would not lend the ſanction of their names to accounts which they know to be falſe; though ſuch ſpecious reports from ſuch fancied authority, might ſerve for a time to caſt an obloquy on the man they feared and hated: what ſort of credit then, will any other man give to miniſterial apologiſers, and panegyriſts?

It is much to be lamented, that this queſtion which the Spaniard deemed a declaration of war, had not been put ſooner in a leſs humble and ſubmiſſive ſtrain, as our patriot miniſter adviſed; if we had received the ſame anſwer, which is a doubt, the Havannah had been our's long ago, without a doubt, and without offering up ſo many brave men as victims to an ill timed attempt, and an unwholſome ſeaſon; and if another noble enterprize, as was propoſed, had been ſet on foot at that juncture, the Spaniards, in all probability had ſued for peace in a much ſhorter time from the opening of the war, than from the commencement of it they had meditated war.—But the wiſdom and foreſight of this great man was treated as temerity, and the generous ardour he breathed for his country's glory, ſerved only to make him repreſented as the incendiary of Europe.

Before I finiſh this letter, I cannot help obſerving, that not a word is ſaid in the pretended preliminaries about diſſolving the union between France and Spain; this makes me well aſſured, that the pretended preliminaries are altogether fictious,

for

for a diſſolution of this union is the moſt neceſſary article of the treaty; the baſis, without which no miniſter will preſume to hearken to a peace, conſcious as we are, that ſuch an union ſubſiſts between France and Spain: a treaty that does not include a formal renunciation of that union on their part, would be equal to a formal guarantee of it on our part; in its inevitable tendency it would amount to a total prohibition of any lucrative commerce with Spain in times of peace; and on any future rupture with either power, it would bring both upon us, when they would be freſh and vigorous, inſtead of being worn out, as they now are, and fainting under the weight of our victorious arms.

N. B. Leſt the miniſtry ſhould plume themſelves too much upon the preſent glorious poſture of our affairs, and aſcribe the merit of it to themſelves, be it remembered that it was another perſon who then happily had the guidance of our military and naval operations, that planned the conqueſt of Martinico.—That the ſame perſon propoſed an attempt on the Havannah, in caſe of a rupture with Spain, at a proper time and ſeaſon, when ſuch an attempt muſt have ſucceeded.—That our ſucceſs in Germany muſt be attributed to happy contingencies, and not to any peculiar aſſiſtance and encouragement given to that department of the war.

Sept. 22, 1762.

Queries upon the Preliminary Articles of Peace.

1. HAD not France many advantages at the time of the late negociation, [Mr. *Pitt's*] which ſhe has not at preſent; and we had not at the time of the late negociation?

2. Did

2. Did not the *uti poſſidetis* of France comprehend at that time the Landgraviate of Heſſe, Munden, and the town of Gottingen in the electorate of Hanover? Does it now contain any more than the ſingle town of Caſſel, and that beſieged, (and taken before the peace was ſigned;) and has France any thing at preſent to exchange but that town and the iſle of Minorca?

3. What was the condition of our ally, the king of Pruſſia, at that time, and what is it now? Was he not then attacked by the whole force of the mighty empire of Ruſſia, and by Sweden? Is he not now free from both; and is not his condition on the whole, flouriſhing and proſperous?

4. Is not the actual poſſeſſion of the Havannah, twelve capital ſhips taken, three deſtroyed, four millions value in plunder, and all the rich poſſeſſions of the Spaniſh monopoly in the new world laid open to us, a balance againſt the ſucceſſes of the Spaniards on the frontiers of Portugal?

5. Have we not, ſince the rupture of the late negociation, made ourſelves maſters of Martinico, and all the reſt of the French Caribbee Iſlands?

6. Is not therefore our ſituation, on the whole, infinitely more advantageous now, than it was at that period? Are not our allies in a better condition? Are not both France and Spain more depreſſed? Are not at the ſame time our expences much encreaſed; and have we not from all theſe circumſtances united, a right to expect much more advantageous terms of peace from this, than from the laſt negociation?

7. Since all (or at leaſt all which are any ways conſiderable) of our conqueſts in the Weſt Indies, are to be ceded to France, what is ſuppoſed equivalent to be paid for them, by our proud and inſidious enemy out of her *uti poſſidetis*? Is Minorca a ſufficient compenſation for the fiſhery, worth a million

annually, and all the French Caribbees worth probably two millions more?

8. If ſome of our conqueſts are ceded *gratis*, to oblige France, *merely from a principle of moderation and without any equivalent*, is it not reaſonable that we ſhould retain ſomething of *real value*, as an indemnification for an expence of ſeventy millions; and that we ſhould amidſt all this wonderful moderation in our conduct, diſcover ſome ſmall degree of attention to our intereſt?

9. Would not the retaining of either Martinico or Guadalupe be a great acquiſition to England? and would not the ſurrender of either of them, ſeparately, be a great conceſſion to France?

10. Is it poſſible that beſides the reſtitution of the great French iſlands, we are to ſurrender alſo our own moſt important iſland of St. Lucia, which we always had by right, and which we have now by conqueſt; and what equivalent do we propoſe to receive for this additional and moſt extraordinary conceſſion?

11. If we are to retain nothing, or only ſome inconſiderable ſpots, for what end did we waſte our blood and treaſure in Weſt-India conqueſts, as in the laſt negociation France offered us all we could deſire, and more than we ever did deſire, in North America, *ſolely for a ſhare in the Newfoundland fiſhery*; and were not theſe North-American acquiſitions overpaid by the ceſſion of that fiſhery?

12. Did not our North American territories, on the plan propoſed in the laſt negociation, extend from 30 degrees, north latitude, on the ſea ſhore; and in the inland parts, from 36 degrees to the North Pole; that is from North to South, on the coaſt, above 4000 *Engliſh miles*; and in the inland, 3500 *and upwards*; and did they not alſo extend (if we could travel as far as they extended) from Eaſt and Weſt, at leaſt 2000 more? and could

could the French miniſter after this keep his countenance, if we ſuffered ourſelves to be diverted by the romantic deſire of adding foreſt to foreſt, on that wild continent, from any ſerious commercial acquiſition?

13. In what are we the richer by all our victories, or the French the poorer by all their loſſes, if neither of the capital Weſt Indian conqueſts are to be retained? What is the particular value of our other acquiſitions? Is it enough for a victorious nation to take up with mere ſecurity?

14. What are the *criterions* of a bad peace by which *nothing certain* is added to our revenues, and a great certain expence incurred?

Martinico, Guadalupe, Grand Terre, Marigalante, make annually at leaſt one hundred thouſand hogſheads of white and brown ſugar, the duty of which would be 600,000l. a year, for if we keep thoſe iſlands, there can be no neceſſity to give a draw-back to the exporter.

Their coffee, cocoa, cotton, and rum, would amount to as much as their ſugar; and I think it could be eaſily made appear, that theſe iſlands would pay at leaſt one million a year revenue; and this would pay half the intereſt of all the money borrowed the whole war, beſide the amazing trade it would occaſion to the kingdom.

Account of Tonnage.

IT appears that the common notion of an increaſe of our commerce during the war, did not ariſe from an increaſe of our tonnage and exports, but from a greater demand than uſual of manufactures from a reduced number of hands. Our tonnage, as laid before the Houſe of Commons in December 1762, was as follows.

From 1749 to 1754:

Britiſh tonnage outwards — —	672,641
Ditto inwards — — — —	500,818
Foreign ditto outwards — —	151,115
Ditto inwards — — — —	65,437

For 6 years ſince, from 1754 to 1760 incluſive:

Britiſh tonnage inwards — —	408,259
Ditto outwards, — — —	466,438
Foreign ditto outwards — —	108,884
Ditto inwards — — — —	46,960

By this account the decreaſe of our tonnage is evident.

From 1749 to 1754:	£.	s.	d.
Exports — —	61,210,377	8	3
Imports — — —	33,279,348	5	7
Exports exceed the imports	27,931,029	2	8
Annual medium of exports,	10,201,729	11	4
Ditto of imports — —	5,546,558	0	11
Exports exceedt he imports,	4,655,171	10	5

For theſe 6 years ſince 1754:

Exports — — — —	55,101,920	10	9
Imports — — — —	33,973,776	8	10
Exports exceed the imports	21,128,144	1	11
Annual medium of exports	9,183,653	8	5
Ditto of imports — —	5,662,296	1	5
Exports exceed the imports —	3,521,357	6	11

In this value of exports and imports thoſe to and from the colonies are not included.

When exports exceed the imports, the balance is made up by bullion; thus it is evident we have loſt above eleven hundred thouſand pounds a year for the laſt ſix years.

In

The Cuſtom-houſe accounts of the imports from Guadalupe, laid this ſeſſion (1762) before the Houſe of Commons, are as follow:

		Cwt.	*qrs.*	*lb.*	
In 1759	— —	29002	1	8	Brown
1760	— —	168133	1	17	Brown
1761	— —	204127	3	27	Brown
and in 1761	——	83	3	25	White

Theſe quantities reduced to hogſheads of about 800 weight each, which is about the average of French Hogſheads, make

In 1759 —— 3625 hhds and fraction
1760 ——21016 ditto
1761 ——25518 ditto

The whole import to England (but of which 'tis but too ſtrongly ſurmiſed, part was ſmuggled from Martinico) is for three years 50159 French hhds, which on an average make 16719 hhds, equal to Engliſh hhds of twelve hundred weight each, 11146.

Anſwer to the preceding.

HOWEVER ſpecious the foregoing calculation may appear at firſt view, it is moſt certainly calculated upon partial principles. And in order to undeceive the public in a caſe of ſo much conſequence, I deſire the following faithful extract of the annual totals of the exports and imports for the laſt twelve years, may be publiſhed; by which it is evident, that, during the courſe of ſix years war, the increaſe of exports is, 3,787,501 l. 7 s. 8 d. the imports 173597 l. 2 s. 3 d. But if they are taken for the three laſt years of the war, viz. 1759, 60, 61, when the nation was at its meridian of glory and unanimity at home, inſpired emulation abroad, and commerce every where at-

tended conqueſt! — the difference, compared with the three laſt years of profound peace, 1753, 4, 5, is 6,701,700 l. 11 s. 6 d.—a balance ſo notorious, that every unprejudiced perſon may judge, whether we were thereby rendered incapable of carrying on the war.

A Briton.

N. B. The exports and imports for the year 1762 are not brought in, which it is preſumed, would have been greater than in former years, from the important conqueſt in Martinico and the Havannah, which latter had opened the trade to all the Spaniſh ſettlements in America.

EXPORTS. 1750 to 1755. Six years peace.

1750.			1751.			1752.		
12,691,246	16	6	12,414,111	17	3	11,694,912	3	5
1753.			1754			1755.		
12,243,604	6	11	11,787,828	12	10	11,065,243	7	9

Total, of six years peace 71,896,947 4 8

1756 to 1761. Six years war.

1756.			1757			1758		
11,390,856	3	3	10,982,218	8	3	11,512,997	1	10
1759			1760			1761		
13,072,595	16	9	14,166,475	—	9	14,559,306	1	6

Total of six years war 75,684,448 12 4

IMPORTS. 1750 to 1755. Six years peace.

1750			1751			1752		
7,767,826	7	8	7,941,897	16	11	7,889,336	4	3
1753			1754			1755		
8624,370,	2	10	8,093,472	15	0	8,772,865	2	10

Total of six years peace, 49,089,768 9 6

1756 to 1761. Six years war.

1756			1757			1758		
7,750,337	4	5	8,200,795	4	3	7,787,471	16	2
1759			1760			1761		
8,481,611	4	4	9,367,199	12	8	9,238,270	9	11

Total of six years war 50,825,685 11 9

On the reſignation of LORD BUTE, April 8, 1762.

THE ſtrength of the oppoſition, ſupported by the united voice of the whole Engliſh nation, no doubt occaſioned the late reſignation. But what has it left behind? The adminiſtration, on its preſent footing, does not appear ſo laſting as the late. There are ſeveral reaſons for believing it: but I will mention only one, *viz.* If there were ſtrength and reſolution enough in any ſet of men, to force the ſubſtance out of power, will not the ſhadow vaniſh of courſe?—Thoſe who were timorous and backward, becauſe they thought the taſk inſurmountable, muſt now perceive what they before deemed impracticable; and be convinced, that in the preſent ſituation of things, there can be no ſtability. The memorable three days adminiſtration of the late earl Granville, is probably the model of our preſent ſtate, as well as the *legacy of one of the new guides*, [meaning the earl of Egremont, who was a pupil of lord Granville's.] The public mind is far from being ſatisfied. The laſt miniſtry was odious; and this is contemptible. It is compoſed of only the dregs of the laſt. The three principals are no more. Two are to be called up to the houſe of peers;* and the third † is either gone into Yorkſhire or behind the curtain—or perhaps both.

AN INDEPENDENT WHIG.

* Mr. Fox created lord Holland, and Sir Francis Daſhwood created lord le Deſpencer.

† Lord Bute.

Anſwer

Anſwer to the preceeding letter.

IF the Gentleman who ſigns himſelf An Independent Whig, is only as *independent* as thoſe obſervations ſpeak him to be impartial; it will then be no longer a doubt that he is the tool of faction, inſtead of being the advocate of liberty. For to paſs over the want of conſiſtency, in his firſt aſſertion, and foundation in fact, 'that the ſtrength 'of the oppoſition, ſupported by the united voice 'of the whole Engliſh nation, no doubt occaſioned 'the late reſignation.' I would only appeal to the candor of the public, whether the characteriſing a miniſtry, the very names of whom are not yet known, when not a ſingle arrangement is actually made, nor one office yet beſtowed; I ſay, whether the branding adminiſtration yet in embryo, will not ſtand forth an odious, yet a ſure and certain teſt of the ſpirit of libelling? and that not content with injuries, and miſrepreſentations of real events, he defames upon conjecture, and trumpets forth oppoſition to phantoms of his own creation. When it ſhall be fully aſcertained who the gentlemen are that will compoſe adminiſtration, it will then ſurely be time enough, it will then at leaſt be more decent and more diſcreet, to deliver ſentiments concerning them. 'Till then it can only ſerve the purpoſe of ſtirring up thoſe general ferments in which ſelfiſh and ill-deſigning men may flatter themſelves to be gainers, but which muſt be matter of ſerious concern to all true lovers of their country.

A. Y.

REPLY.

REPLY.

THE reſignation of the laſt great man has put the world into confuſion. Almoſt every one thought there was not power enough to force him to it; but there is no knowing what even a little power can do, 'till it is tried. I no ſooner ſaid, 'that the ſtrength of the oppoſition, ſupported by 'the united voice of the whole Engliſh nation, oc-'caſioned that reſignation,' than one Mr. A. Y. ſteps forth and talks about facts being miſrepreſented. I ſhould be glad to know *what* facts are miſrepreſented; and he is here called upon to prove which, and in what manner, they are miſrepreſented. It is a juſtice which is due to the public, who ought not, nor ſhall not, be impoſed upon with falſe aſſertions, or evaſive plauſibilities.

Is it not notorious that it has been declared by authority, that his majeſty has been pleaſed to place his government in the hands of the Right Hon. George Grenville, the earl of Egremont, and the earl of Halifax; and that in all caſes of importance, they are not to act ſeparately, but in an agreement of the three? Will not this very day, [Apr. 13.] or at fartheſt, the courſe of the week, prove the truth of all the material facts aſſerted in the paper which has ſo unjuſtly given offence?—The anſwer *ſeems* to come from authority. Whether they begin to be afraid of their own ſilly work or not, time alone can determine; but I am ſure there is not one impartial man about the court, who will not acknowledge, that the ſtate of the caſe as pointed in that paper, was not matter of invention, but founded upon the then real intentions of the gentleman at preſent behind the curtain.

I do not underſtand what he means by *the true ſpirit of libelling*. What! will he talk of libels, when it is notorious to all the world, that the ad-

vocates

vocates of his cauſe have publiſhed the moſt infamous ones that ever came from the preſs? that their ſlanders, falſehoods, and ſcurrilities were utterly deteſted by all honeſt men. Pray let it be aſked, who *raiſed* the ſpirit of libelling? Did not the hired advocates of the late adminiſtration (or the preſent, for I repeat it again, that it is only the dregs of the laſt) ſay, that Mr. Pitt wrote a letter to the duke of Newcaſtle, ſoliciting his grace's intereſt with his late majeſty for a penſion; and does not the duke of Newcaſtle, on all occaſions, publicly declare, that he never had ſuch a letter? And did they not make and publiſh a ſpeech, which they aſſerted was the late earl Granville's in council; and did not his lordſhip ſeveral times declare, there was not even ONE ſingle word of truth in that ſpurious production; I could bring a thouſand inſtances of falſehood, and the TRUE ſpirit of libelling, from the Briton and Auditor; but I forbear to diſturb the aſhes of thoſe dead miniſterial tools, who when living were the contempt of mankind; and died, becauſe daily experience convinced their patrons, they were the worſt of enemies to the cauſe they were hired to ſupport.

Mr. A. Y. talks of the *indecency* there is in ſaying any thing about the miniſtry, 'till it is ſettled. To which I firmly anſwer, that there is, in ſuch a caſe, *no indecency*; and that the moſt fit time to talk, is before the miniſtry is ſettled; as the arguments, if founded on the public intereſt, may in ſome meaſure influence the impartial choice of men; for what good will talking do afterwards? only ſerve to raiſe ſuch another ferment, as we have lately ſeen, for the overthrow of another miniſter. The people cannot, they will not, be ſatisfied with thoſe in whom they do not chuſe to place their confidence: nor can it be ſuppoſed, that his majeſty,

who

who is ever diſpoſed to meet his people half way, can now be a ſtranger to their wiſhes.

He ſays in effect, every thing is in a ſtate of uncertainty. I grant it: for I do not ſee how any thing ſhould be otherwiſe. Notwithſtanding the three heads which now rule, are, in theſe days of anarchy and diviſion, *fit* to preſide over theſe kingdoms: yet as they were moſt evidently concerned in the peace and the exciſe, the people are in no better an humour than before. The few changes which have been made, are only among a particular ſet of men on one ſide. The oppoſition (which is compoſed of the flower of the Engliſh nobility, as well with reſpect to talents as to independency) does not ſeem to be in the leaſt affected: or if any thing, it will gain ſtrength; for it is well known, that many eminent perſonages have been for ſome time timorous about taking either ſide. They diſliked the adminiſtration; and as for the oppoſition, they then conſidered it as entering into a kind of a proſcription for life, from the little probability there ſeemed to be of ſucceſs; but now as the ſuperſtructure, to the aſtoniſhment of mankind, is removed, and nothing but the ſhadow of the pillar left, it is not doubted, but many who before were neuter, will now openly declare themſelves: and it is ſincerely hoped, that an amicable capitulation among all parties, may ſpeedily take place. The intereſt and the buſineſs of the nation, call for it in the moſt preſſing manner. A mixed miniſtry is what has ever been the moſt happy and glorious for England. For inſtance, what contributed more to the reſtoration of harmony after the loſs of Minorca, and to the eſtabliſhment of that firm and unalterable union during Mr. Pitt's adminiſtration, than the placing in the ſeveral principal departments of government, the leaders of both parties; particularly ſuch as were diſtinguiſhed by

ability,

ability, not by favour. They then joined hand to hand, and this produced the immortal glories of the war. Let not our preſent æra be diſtinguiſhed by the advancement of only incapable men, and breaches in ſeveral of the moſt noble and illuſtrious families in the realm: let it rather be recorded to poſterity, that when diviſions unhappily broke out among the loyal and faithful ſervants of the crown and nation, they were, under the auſpices of George III. (as they had been before under George II.) reſtored to a perfect underſtanding, union, and cordiality; and Britain again experienced the happy effects of harmony, and friendſhip reigned throughout her people, which was the more valued, becauſe the want of it had been felt.

An INDEPENDENT WHIG.

QUERIES, *written by* A Moderate Whig; *with the anſwers, by* A True Whig.

QUERE 1. By the eſtabliſhed conſtitution of theſe kingdoms at the revolution, has the king a right to make peace and war, or not?

Anſ. By the conſtitution of theſe kingdoms, repaired and ſtrengthened at the revolution, the king has *power*, by and with the advice of his privy-coucil, to *declare* war, and to *negociate* peace. But that the king has, or that there is inherent in the royal prerogative, an abſolute, unlimited, and uncontroulable *right*, either to *make* or to *decline to make* war or peace; or in making peace to agree to any ceſſions or conceſſions which the crown may think fit, I take to be a doctrine manifeſtly ſubverſive of the conſtitution, deſtructive of the rights of parliament, and tending to overthrow the liberties of this FREE PEOPLE. Nor will any body, I imagine, attempt

attempt to maintain it, who is acquainted with our hiſtory; has conſulted the public records; or read the journals of parliament.

Q. 2. Upon the ſame principles, and by the ſame eſtabliſhment, has the king a right to chuſe his miniſters, or ſuch perſons as he thinks proper, and as he can place a confidence in, for carrying on the buſineſs of government?

Anſ. By the ſame conſtitution, but not upon the *ſame principles*, (if by that is meant that the powers ſtand preciſely on the ſame foot, and are alike in all reſpects) the king has a *right* to name and appoint his miniſters, or ſuch perſons as he, being *well* and *freely* adviſed by the ſervants of the crown, thinks proper, and as he can place a confidence in, for carrying on the buſineſs of government. But beſides the influence of ſuch a conſtitutional advice in the choice of miniſters, there is in this country a power, as indiſputable as that of the king, to name them, and of ſufficient efficacy, to controul the choice of the crown, and to remove from the king's preſence and councils for ever miniſters not approved of, even without proceeding ſo far as to condemn or puniſh them by a judicial trial. That great power has been often, and may at any time be put into motion by the voice of the people; of whoſe unalterable rites it is one to give and to enforce their inſtructions to the repreſentatives they *chooſe* and may *change*.

Q. 3. Is not the parliament ſtiled, and underſtood to be the grand council of the nation, a body who are conſidered as the repreſentatives of the whole people: from whom it is expected, the king ſhall receive advice; whoſe duty and intereſt it is that he ſhould do it, whoſe power is able to controul them, as they ſhall approve, or diſapprove his actions, by granting, or withholding from him the eſſential means of acting—the ſupplies?

Anſ.

Anſ. The parliament is ſtiled, and underſtood to be the GREAT COUNCIL of the nation; a body which is conſidered as the repreſentatives of the whole people, from whom it is expected the king ſhould receive advice. It is therefore no leſs expected that their *advice*, not their *approbation*, ſhould on ſome occaſions be aſked. A Britiſh parliament will not now, more than in former days, think itſelf tied up from giving their advice, though it ſhould not be aſked. Such advice has been aſked by ſome of the beſt kings England ever had; and it has been given with authority and effect, when it was not aſked to ſome of the worſt kings England ever ſaw; and in nothing more frequently than in the affairs of peace, war, and alliances made or declined to be made by the crown.—I know not how it can be the *duty* of the parliament (if to *it* the firſt *whoſe* in the query not very grammatically relates) that the king ſhould *receive* their advice, in any other reſpect than that it is their duty, on every proper occaſion, to give advice to the crown, when it is *not* as well as when it *is* aſked. But I am ſure it is the *privilege* and the *right* of parliament to adviſe the crown. And I agree it is their *intereſt* (as I alſo think it is the king's, which is indeed inſeparable from their's) that the crown ſhould not only *receive* but *aſk* the advice of parliament, in matters of the higheſt importance, and of ſingular difficulty. If there was no other reaſon for the crown's receiving or aſking the advice of parliament, it certainly is a very forceable one, that the power of the parliament is able to controul the crown, by giving or with-holding from it ſupplies, which are the *neceſſary* means of acting, as they approve, or diſapprove the meaſures to which the king is adviſed by his miniſters, who are anſwerable to their country for EVERY act of the crown.

Q. 4. By the nature of our conſtitution, can the king learn the ſenſe of his people? ought he to ſeek it in any other manner than from his parliament, from that body who repreſent the people?

Anſ. By the nature of our conſtitution, the king learns the *preſumed* ſenſe of the people from the parliament. It is in that way he ought to ſeek it, and it is perhaps the only way in which he can, in an ordinary courſe, ſeek it; becauſe there is no other body repreſenting the WHOLE PEOPLE with which the crown can communicate. But as from the parliament (except perhaps in the caſe of a new one, choſen on purpoſe to convey the ſentiments of the electors to the throne upon a particular affair, previouſly declared to them) no more can be had than the *preſumed* ſenſe of the people; ſo neither does the people, by chuſing the parliament, *renounce* what they cannot *transfer*, their *own* ſenſe, nor the right of having one, and of ſignifying what it is, if it happens to be different from that of their repreſentatives. And the people have a channel as conſtitutional as that of parliament, in which, to make known to the crown the ſenſe which they, the body *repreſented*, entertain of any one thing falling under the cognizance of parliament, or as to things which do not ſo neceſſarily belong to the deliberations of parliament. The people, in their ſeveral collective bodies, which form the GREAT WHOLE, where the conſtitution is, as their birth right and inheritance, have a right to petition the throne. They can addreſs the king. To them belongs the privilege: the crown has the ſatisfaction ariſing from that ſort of intercourſe. In both theſe ways the crown *can* and *does* learn the *real* and the *univerſal* ſenſe of the people, and may be more certainly informed of it than it can be by any vote or reſolution of parliament. *Theſe* paſs for the ſenſe of the people only when not contradicted by

their

their own proper voice, or when confirmed by their ſilent acquieſcence. And the crown itſelf, in ſome caſes, anxiouſly expects more than ſilence from the people. Addreſſes of congratulation have a grateful odour, as they convey the people's ſentiments of ſatisfaction and approbation of the meaſures of the crown, with the expreſſions of the joy they feel upon happy events.

Q. 5. Does not a majority of voices ſpeak the majority of opinions, and does it not imply the ſenſe and conſent of the majority of the people?

Anſ. A majority of voices ſpeaks the majority of opinions; *but only* of thoſe who have or give voices. *Their* ſenſe it *expreſſes* rather than *implies*. But the majority of voices of the *repreſentatives* of the people, neither *implies* nor *expreſſes* (for the utmoſt it can do is to give ground to *preſume*) the ſenſe and conſent of the people *repreſented*. From which it appears, that there is a fallacy in the terms of the query as put. The ſenſe of the people, and the ſenſe of a majority of the houſe of commons, were different upen a very noted occaſion. And the ſenſe of the people, firmly and boldly declared at that time, rendered abortive a vote carried in parliament, tending, as the people thought (whether right or wrong) to introduce a general exciſe; the then miniſter, with all his power, not having choſe to puſh even a favourite object againſt the plain ſenſe of the people.

Q. 6. By what other rule or means, did there, does there at this time, or can there ever exiſt one ſingle law?

Anſ. A majority of voices in the legiſlature, is the only thing that can give exiſtence to a law. The power of legiſlation gives force to the law, whether it be approved or not by thoſe from whom the legiſlative powers are derived, 'till they have influence to procure a repeal of it, if they happen

to differ in opinion from thoſe in whom they have veſted the power to make laws.

Q. 7. To what end and purpoſe was the crown put under an obligation to govern by parliament, and that it was made the eſſential part of our conſtitution?

Anſ. The crown was conferred, by thoſe who only had the right to beſtow it, under conditions inſeparable from the title by which it is held. One eſſential part of the conſtitution is, the being and power of parliament. The crown and the parliament are the GOVERNMENT of this country, the ſupreme executive part of which, and a third ſhare of the legiſlative power, is by the conſtitution veſted in the crown, to be exerciſed with a privy council, and by the adminiſtration of miniſters, who are reſponſible for the acts of the crown. The ends and purpoſes of this well-tempered conſtitution are as apparent as they are wiſe and ſalutary. But it is none of them that the people, from which both the crown and the parliament derive their powers, ſhould not have a ſenſe of their own, or that they ſhould be deprived of the invaluable right of making that ſenſe known, both to the crown and the parliament. That right muſt remain ſacred and inviolable, ſo long as we enjoy the freedom, for the ſecurity of which both the crown and the parliament were intruſted with the powers they are ſeverally poſſeſſed of.

Q. 8. Would it not, of the two, be the moſt arbitrary proceeding in the crown to act contrary, and in oppoſition to the voice of his parliament, or to attempt governing without a parliament?

Anſ. The power of the crown is not, and therefore its proceedings cannot be *arbitrary*; not even in thoſe caſes in which it is *abſolute*. For it is always exerciſed by and with advice; and the adviſers are anſwerable for the act. This eſſentially diſtin-

diſtinguiſhes the acts even of abſolute power in this monarchy from the arbitrary proceedings of princes, whoſe *will* is the *law*, and whoſe miniſters are accountable to none but themſelves. It would not therefore, ſtrictly ſpeaking, be an arbitrary proceeding in the crown to act contrary to the advice of the parliament. But it would be *unconſtitutional* to do it, in matters relating to the adminiſtration of government, and the puniſhment of the miniſter to whom the act was found to be imputable would explain the nature, and ſhew the demerit of this offence. The *legiſlative power* muſt not, however, be confounded with the *executive part* of government. The parliament cannot be ſaid to *adviſe* the crown, when either or both houſes paſs a law. It acts in that caſe in its legiſlative capacity, and not as the GREAT COUNCIL of the nation. And as either houſe has a negative upon the other, ſo the crown has, by the conſtitution, one upon both. In the exerciſe of it, more perhaps than in any other thing, the will of the crown *properly adviſed*, may, without impropriety, be called abſolute and unlimited. And as the crown is in this matter a truſtee for the people, having equal powers with the repreſentatives choſen by themſelves, it may, and for good reaſons (of which none can be more weighty than the general diſapprobation of the people properly manifeſted) ought to refuſe the royal aſſent to a bill, though agreed upon by both houſes of parliament. The propriety of ſuch a ſtep in the crown muſt ſtand upon the ſufficiency of the reaſons for it. And upon the ſame foot will ſtand the ſafety of the miniſter who ventures to adviſe the crown to it. Nor need any miniſter dread the reſentment of parliament, if he can ſatisfy the people of the rectitude of his advice to the crown. —To attempt to govern without a parliament (which is the ſecond alternative ſuppoſed in the

query) would be to attempt to deſtroy the conſtitution, and to make a limited and mixed government give way to an abſolute and arbitrary power.

Q. 9. Has not the parliament in the ſtrongeſt manner, by ſo great a majority, approved the peace and the perſons who made it?

Anſ. The parliament did in a very ſtrong manner, by a great majority, approve of the preliminaries: and the perſons who accepted of the preliminaries have, in the ſtrongeſt manner, diſapproved of the parliament's approbation of them, by not chooſing to conclude a definitive treaty, without inſiſting for, and actually obtaining more advantageous terms than were agreed to by the preliminaries: which has clearly ſhewn, that the peace, approved of by parliament, was not the beſt that could have been had, nor ſuch a one as ought to have been conſented to at firſt.

Q. 10. Is not every corporation (even the city of London in petitioning) every public company, nay even every private club, guided, determined, and governed by the majority of opinions?

Anſ. Moſt certainly every corporation (the city of London not excepted in petitioning or any thing elſe) every public company, nay even every private club, that has any order, and has no particular conſtitution to the contrary, is guided, determined, and governed by the majority of opinions; and as in acts a majority muſt be deciſive in councils or opinions, their weight will be greater or leſs, according to the number and circumſtances of the majority and minority.

Q. 11. Does the actual execution conſtitute a right of acting, and will the city of London's petitioning his majeſty to refuſe his aſſent to a bill [*alluding to the exciſe bill*] to be preſented to them by his parliament, and in that to act contrary to the

advice

advice of his and the nation's council, prove it to be right becauſe they did it?

Anſ. Acting *ſuppoſes* and gives reaſon to *preſume*, but does not conſtitute a right to act. The city of London's petitioning his majeſty not to give the royal aſſent to a bill to be preſented to them by parliament, and in that not to agree with the then preſent, but fallible and mutable opinion of the parliament, in its legiſlative capacity, does not prove it to have been right to do ſo. Nor does the king's not having been of the ſame mind with the city of London prove, that it would have been wrong to have been ſo. And it might have been right for the city of London to have petitioned, though they had not actually done it; and for the king not to have given the royal aſſent to that bill, if he had received no petition at all againſt it. But the king's not giving the royal aſſent to any bill, that has paſſed both houſes of parliament, differs widely from his acting contrary to the advice of the parliament, when, acting as the GREAT COUNCIL of the nation, in affairs relating to the adminiſtration of government, of which the laws in being, and the fundamental rules of the conſtitution, are the true ſtandard.

Q. 12. Is there no mob in England? Are there no deſcendants of Wat Tyler's and Jack Straw's exiſting? What would an aſſemblage of thoſe miſerable Engliſh wretches yearly hanged and tranſported, the many thouſands who are daily purſuing the ſame ſteps to deſtruction, be termed? What were thoſe, whoſe indecent hiſſings, &c. at perſons of reſpectable and ſacred characters, ſtamp ignominy on a civilized people, and on liberty itſelf, but a mob? What were the inſulting acclamations, on a certain indecent proceſſion to the city, of the great commoner, but the clamour of an ignorant intoxicated rabble? But I ſhall anſwer this query

myſelf, by ſaying, that though the giddy, ignorant, intoxicated and deceived rabble, may be the attendants, followers and emiſſaries, even of perſons of rank and fortune, they may neverthelefs ſtill be a mob: nor is it any breach of good manners in ſtiling them ſuch, though they are our countrymen. Let his advocates give a name to any body whatever, who ſhall ſet up to oppoſe the determination of king, lords, and commons, render them odious to the multitude, the ignorant, unthinking, wanton croud, and thereby attempt to overthrow the whole conſtitution.

I muſt beg leave to anſwer a queſtion in the papers, 'Whether the voice of the nation be not con-'ſtitutional, becauſe Mr. Pitt was brought into the 'miniſtry in 1757," by another, viz. whether becauſe the Highland rebels did come into England, at a time when it could not be prevented, that it was by the voice of the Engliſh nation? It is well known that they both forced their way.

Anſ. There may be ſuch a thing as in the queſtion is meant by *mob* in England. But the PEOPLE OF ENGLAND is a known and a reſpectable name. I cultivate no acquaintance with the perſons, becauſe I abhor the principles of the deſcendants of Wat Tyler's and Jack Straw's, if any ſuch exiſt, who adopt their tenets, or approve their practices. Their rebellion ſhould be looked upon with a juſt deteſtation, at the ſame time that it preſents a ſad proof of the danger of ſubſtituting a *rigorous* inſtead of a *gentle* method of levying a tax, in itſelf unpopular, eſpecially when the people had been previouſly incenſed againſt ſome of their chief rulers. For ſuch are the circumſtances of that rebellion, as recorded in hiſtory. The aſſemblage deſcribed in the query, would juſtly be termed, as the querift does term it, *a company of wretches.* I alſo think they might deſerve to be called a mob,

who

who would make indecent hiſſings, &c. at perſons of reſpectable and ſacred characters; but the hiſſings of ſuch perſons can ſtamp ignominy only on themſelves, not upon a civilized people who do not countenance, nor on liberty which does not juſtify any miſbehaviour. It remains however to be proved, (and that is the queriſt's buſineſs) that the perſons hiſſed at were really of reſpectable and ſacred characters, for upon that depends the decency or indecency, and even the impropriety, of the hiſſings. Inſulting acclamations, on occaſion of any indecent proceſſion, to the city, or to any other place, may be preſumed to be the *noiſe* of an ignorant and intoxicated rabble. But acclamations will not of themſelves prove that they were of an inſulting kind: They ſhould rather naturally receive a different interpretation; and the indecency of the proceſſion muſt be ſhewn before any acclamations attending it can be fairly condemned.—It is not neceſſary to diſpute with the queriſt the truth or juſtice of the anſwer he gives to his own query, when he ſays, that though the giddy, ignorant, intoxicated and deceived rabble may be the attendants, followers, and emiſſaries, even of perſons of rank and fortune, they may nevertheleſs be ſtill a mob. For a mob, whether deſcribed by a ſtring of mobbiſh epithets, ſuch as there uſed by the queriſt, or by the one contemptuous monoſyllable, will ſtill be *but* a mob. One, however, ſhould be very ſure that the deſcription is applicable to the perſons meant to be deſcribed, before ſuch liberties are taken with our fellow ſubjects, who may be as good men as ourſelves. And thoſe who pay any regard to the *impartial* teſtimony of our gracious ſovereign, as well as they who, from their own conviction, are of the ſame opinion with his majeſty, as to the great and important ſervices done to this country, by the perſon who was juſtly ho-

noured and rewarded by the crown on that account, will think (whatever the queriſt does) that it is a breach of good manners to attempt, however unſucceſsfully, to beſpatter with every *foul*, but *undefiling* language, thoſe of our countrymen who are diſpoſed to ſhew reſpect to the perſon who was ſo inſtrumental in reviving the ſpirit, and raiſing the glory of the nation. Nor ſhould any one make quite light either of the hiſſings or acclamations of what may be called the rabble. For as the trumpet is not the voice which it makes to be heard, neither is the ſound of the multitude, even of the loweſt ſort, to be conſidered merely as their own. When left to themſelves they generally but echo the voice of their ſuperiors; and if they are at any time in the wrong, they ſeldom continue long ſo. Their language, eſpecially when accompanied with an almoſt total ſilence of thoſe reſpectable bodies, which uſually addreſs the throne on great occaſions, is a mark, if not a proof, of the general ſenſe of the nation; which probably has made itſelf to be felt where it has not been at all agreable.—But although I may think them very blame-worthy, whoever they be, that *without cauſe* ſet up to oppoſe the determination of king, lords and commons, and to render them odious to the multitude, *even* the ignorant, unthinking, wanton croud, (which I hope is a thing not in the power of any ſet of men;) I muſt be of opinion, that their conduct is not leſs culpable, and that it muſt be of a much more dangerous tendency, who deny the capacity of the greateſt part of the nation to judge, or would deprive the PEOPLE OF ENGLAND of the right to diſapprove of determinations either of king, lords, and commons ſeverally, or of them altogether. THAT indeed I cannot help conſidering as an attempt to overthrow the whole conſtitution; and, if authorized, would not only ſhut the door againſt the

moſt

moſt dutiful and lawful remonſtrances againſt the paſſing of laws, from which bad conſequences are feared, but would exclude all applications for the repealing of any laws in force, from which inconveniences have been felt.

To me it appears, that the voice of the nation, when uttered by the true organs of the conſtitution, is *conſtitutional*. I think, however, that Mr. Pitt's coming into the miniſtry, 1757, was not ſo much a proof of that which did not (in my apprehenſion) need to be proved, as it was a ſign that the voice of the people is heard at the throne; and that it has ſometimes been thought not unworthy to be attended to by the crown. I am perſuaded it always will be, while princes reign amongſt us who place their glory in reigning for the people's happineſs; which has been the endearing character of the illuſtrious houſe of Hanover, ever ſince it was called to the crown by the voluntary ſuffrages of a FREE PEOPLE. But I cannot, I own, perceive the leaſt paralel between the circumſtances of Mr. Pitt's coming into the miniſtry, and thoſe of the Highland rebels coming into England at a time when it *was not* prevented. Whether it *could* or *could not* have been prevented (as I think it would have been by the bravery of a few good Engliſh troops oppoſed to them) it is certain that it was not by the voice of the Engliſh nation that thoſe rebels came ſo far as they did. And though I cannot altogether agree to what the queriſt ſays is well known that they forced their way, my own opinion being that they advanced with eaſe, not having been obſtructed; yet if it had been literally ſo, there is ſurely no ſimilarity between that and the other affair to which it is compared. The ſovereign who had the key of his own cloſet, opened the door of it to Mr. Pitt. He did it in compliance with the voice of the PEOPLE—the people, whoſe voice is very well

well known, and eaſily diſtinguiſhed from the noiſe of a mob.—That may be called *force*, but it is a *compulſion* without *violence*. Its efficacy proves the wiſdom of thoſe who yield to it, *not* the inſolence of thoſe who uſe it. The iſſue ſhewed, that the PEOPLE judged right in that inſtance, and they may do ſo in any other. Neither will the voice of the people be ſtifled by the harſh epithets of *mob*, *rabble*, *ignorant*, *wanton*, and all the reſt of them. And we would do well to take care, that when we pretend, under ſuch deſcriptions, to cenſure the dregs of the people, we do not vilify the flower of the nation.

The following letters, &c. are genuine, and the originals of ſome of them are in the poſſeſſion of the earl of HALIFAX. *They are preſented to the public, becauſe they bear an immediate relation to the* NORTH BRITON; *particularly that of the* 21*ſt of Auguſt* 1762.

MR. Secker preſents his compliments to Mr. Wilkes, he has been three times at his houſe to wait on him from lord Talbot. Mr. Secker would be obliged to Mr. Wilkes to let him know by a note directed to him at Mr. Holford's St. James's Palace, where and what time Mr. Secker could ſpeak to him this afternoon. If he does not hear from Mr. Wilkes, will wait on him by nine o'clock to-morrow morning at his houſe.

Sept. 10. half an hour paſt two o'clock.

Directed to John Wilkes, Eſq;

' Mr.

' Mr. Wilkes's compliments to Mr. Secker, was ' not acquainted till this minute by his note, that ' Mr. Secker had once called in Great George-' ſtreet, ſhall be at home from ſeven till eight this ' evening, and as Mr. Wilkes ſhall be alone, he ' ſuppoſes at this meeting Mr. Secker will bring ' no company.'

Friday afternoon,

Great George-ſtreet, Five, Sept. 10.

Directed to

Mr. Secker, at Mr. Holford's St. James's Palace.

' Mr. Secker's compliments to Mr. Wilkes, he ' will wait on him alone this evening between ſeven ' and eight.'

St. James's.

Directed to

John Wilkes, Eſq;

SIR,

' As I have received no anſwer to a letter I wrote ' to you on the 25th of Auguſt, and find by ſend-' ing to your houſe in town that I can have no im-' mediate opportunity of ſeeing you, I am forced ' again by a letter to aſk if you avow or diſclaim ' being author of the paper entitled the North ' Briton of the 21ſt of Auguſt.' TALBOT.

Bolton-ſtreet. *Directed to*

Sept. 10. 1762. Col. Wilkes.

Great

Great George-ſtreet, Friday Sept. 10.

My Lord,

'I beg your lordſhip to do me the juſtice to be-
'lieve that I have never yet received the letter to
'me at Wincheſter, which Mr. Secker tells me was
'ſent there a fortnight ago. I have juſt now the
'honour of your lordſhip's by that gentleman.
'Your lordſhip aſks if I avow or diſclaim being au-
'thor of the paper entitled the North Briton of the
'21ſt of Auguſt. My anſwer is, that I muſt firſt
'inſiſt on knowing your lordſhip's right to catechiſe
'me about an anonymous paper. If your lordſhip
'is not ſatisfied with this, I ſhall ever be ready to
'give your lordſhip any other ſatisfaction becoming
'me as a gentleman.'

I am, my lord,
Your lordſhip's moſt obedient,
humble ſervant,
JOHN WILKES.

Directed to
Earl Talbot.

Wincheſter, Sept. 14, 1762.

My Lord.

'I left Wincheſter, with lord Effingham's leave,
'on the ſecond of Auguſt, and did not return to
'this city till the 12th of this month. My drum-
'major brought me your lordſhip's letter yeſterday.
'I now return it with the ſeal unbroke, as the clear-
'eſt demonſtration that I never have read the con-
'tents of it. I ſuppoſe they are the ſame with the

'letter

'letter I had the honour of receiving and anſwering
'by Mr. Secker.'

I am, my lord,
Your lordſhip's moſt obedient,
humble ſervant,
JOHN WILKES.

Directed to
Earl Talbot.

SIR,

'I ſuppoſe you have by this time found the let-
'ter I wrote directed to you at Wincheſter, and
'that hath acquainted you why I addreſſed myſelf
'to Mr. Wilkes, to enquire if The North Briton
'of the 21ſt of Auguſt was written by him. I well
'know every gentleman who contributes to ſup-
'port periodical papers by his pen, is not anſwer-
'able for all the papers that appear under the title
'of that which he aſſiſts, but I cannot conceive that
'any man ſhould refuſe to aſſure a perſon who hath
'been the object of the wit of any paper, that he
'was not the author of a paper he did not write.
'Every man's ſenſe of honour ought to direct his
'conduct, if you prefer a perſonal engagement to
'the denying being the author of a paper that hath
'been ſo free with my name; I who am publickly
'affronted by that paper, cannot in honour avoid
'requiring the ſatisfaction you ſeem moſt deſirous
'to give. Be pleaſed to write or ſend to me as
'ſoon as you have determined what part you will
'act. I ſhall be in London Thurſday and Friday
'next, and this day ſe'nnight, after which I ſhall
'not be in London till Thurſday the 23d.'

I am, Sir, your humble ſervant.
TALBOT.

Bolton-ſtreet,
Sept. 12, 1762.

Directed to
Col. Wilkes.
Wincheſter,

Wincheſter, Sept. 16. 1762.

My Lord,

'I had not till yeſterday the honour of your 'lordſhip's letter of the 12th, and embrace this 'earlieſt opportunity of acknowledging it. Your 'lordſhip has not yet, in my poor idea, aſcertained 'the right you claim of interrogating me about 'the paper of the 21ſt of Auguſt, and I will firſt 'know the very good authority on which I am 'thus queſtioned, before I will return any anſwer 'whatever.

'Your lordſhip deſires me to write or ſend to 'you as ſoon as I have determined what part I 'ſhall act. I intended my firſt letter ſhould have 'made that ſuffieiently clear.'

I am, my Lord,

Your Lordſhip's very humble ſervant,

Directed to JOHN WILKES.

Earl Talbot.

SIR,

'I have this inſtant received your's of the 16th. 'It is your own declaration before men of truth 'and honour that you occaſionally aſſiſted the 'paper called The North Briton with your pen, 'that is the foundation of my interrogating you 'about the North Briton of the 21ſt of Auguſt— 'and whatever may be your idea, mine is that 'when a gentleman owns himſelf an occaſional au- 'thor of an anonymous ſatirical paper, any perſon 'by name ridiculed in ſuch an hebdomadal per- 'formance hath a right to aſk the occaſional avow- 'ed writer, if he was the author of the offending 'paper.

'You

'You may now, Sir, anſwer my queſtion or 'not, I have offered to put myſelf upon that foot-'ing with you that became a man who hath ſpirit, 'and is influenced by honour—if you do not deny 'the paper I muſt and will conclude you wrote it.'

Your humble ſervant,

TALBOT.

Bolton-ſtreet,
Sept. 17, 1762.

Directed to
Col. Wilkes.

Wincheſter, Sept. 21, 1762.

My Lord,

'Sunday's poſt brought me your lordſhip's of 'the 17th, and by the return of it this waits on 'your lordſhip.

'You are pleaſed to ſay that it is my own de-'claration before men of truth and honour that I 'occaſionally aſſiſted the paper called the North 'Briton. I wiſh your lordſhip had been more ex-'plicit, and had mentioned the name of any one 'gentleman before whom I made that declaration. 'Was it made in public? or was it in pri-'vate converſation? Still I have the misfortune of 'not yet ſeeing your lordſhip's right of putting the 'queſtion to me about the paper of the 21ſt of 'Auguſt, and 'till I do, I will never reſolve your 'lordſhip on that head, though I would any friend 'I have in the world, who had the curioſity of 'aſking me, if it was in a civil manner.

'Your lordſhip ſays that if I do not deny the 'paper, you muſt and will conclude I wrote it. 'Your lordſhip has my free conſent to make any 'concluſions you think proper, whether they are 'well or ill grounded; and I feel the moſt per-'fect indifference about what they are, or the 'conſequences of them.

'I in-

'I intend at preſent to make a tour on Thurſ-
'day to the iſle of Wight. I ſhall return to
'this city the beginning of the next week.'

I am, my Lord,
Your Lordſhip's
Directed to moſt humble ſervant,
Earl Talbot. JOHN WILKES.

Wincheſter, Sept. 30, 1762.

SIR,

'Lord Talbot by your meſſage has at laſt
'brought this moſt important queſtion to the pre-
'ciſe point, where my firſt anſwer to his lordſhip
'fixed it, if he preferred that. As you have only
'ſeen the two laſt letters, I muſt entreat you to
'caſt your eye over thoſe preceding, becauſe I
'apprehend they will juſtify an obſervation or two
'I made this morning, when I had the honour of
'paying my compliments to you at camp.

'Be aſſured that if I am between heaven and
'earth, I will be on Tueſday evening at Tilbury's
'the Red Lion at Bagſhot, and on Wedneſday
'morning will play this duet with his lordſhip.

'It is a real ſatisfaction to me that his lordſhip
'is to be accompanied by a gentleman of colonel
'Berkley's worth and honour.

'This will be delivered to you by my adjutant,
'who attends me to Bagſhot. I ſhall not bring
'any ſervant with me, from the fear of any of the
'parties being known. My piſtols only, or his
'lordſhip's, at his option, ſhall decide this point.

'I beg the favour of you to return me the let-
'ters, as I mean to leave Wincheſter this evening.
'I have lord Bruce's leave of abſence for ten
'days.'

I am, with ſincere regard, Sir,
your very humble ſervant,
JOHN WILKES.

I hope that we may make a *partie quarréé* for ſupper on Tueſday at Bagſhot.

Directed to

Colonel Berkeley.

SIR,

'I have read all the letters and ſhall depend 'upon the pleaſure of ſupping with you at Tilbu-'ry's the Red Lion at Bagſhot Tueſday evening. 'My ſervant will attend me, as the going alone 'would give room for ſuſpicion, but you may de-'pend upon his following your direction at Bag-'ſhot, and that he ſhall not be ſeen where you 'would not have him—I am much obliged by 'your favourable opinion, and am,

'Your very humble ſervant,

N. BERKELEY.

Camp near Wincheſter,
Sept. 30, 1762.

'Incloſed is the copy of a letter received by Mr. 'Stanley this afternoon. [It related to the taking 'the Havannah.]

Directed to

Colonel Wilkes.

[To theſe Letters we ſhall ſubjoin the following Paper; as it alſo relates to the North Briton.]

Extract from an AFFIDAVIT, *examined by the* Office Copy.

AND this deponent, Peregrine Cuſt, for himſelf ſaith that he hath particularly attended to and conſidered the following paragraph or parts of the ſaid annexed paper, A, called the North Briton, beginning at the 28th line of the third

page thereof (fol. 249) and from thence to the word 'friends', in the fourth line of the following page, fol. 250, and which is, or are, expreſſed in the words and figures or to the effect following, that is to ſay 'let us now conſider another ſtriking 'inſtance of the total diſregard of oeconomy: I 'mean the preſent loan of 3,500,000*l.* The terms 'of the new ſubſcription have been ſo injurious to 'the public, but ſo beneficial to the ſubcribers, 'that is, to the creatures of the miniſter, that there 'was immediately an advance of ſeven per cent. 'and in a very few days, of above eleven 'per cent. I ſhall however, only ſtate it at the 'even round ſum of ten per cent. that I may not 'puzzle the chancellor of the exchequer. The 'whole loan amounted to 3,500,000*l.* conſequent-'ly in the period of a very few days the miniſter 'gave among his creatures, and the tools of his 'power, 350,000*l.* which was levied on the pub-'lic: the moſt enormous ſum ever divided in ſo 'ſhort a time among any ſet of men. A few of 'their names I will mention to ſhew in what eſti-'mation they are held by the public. Meſſieurs 'Touchet Glover, Cuſt, (brother to the able and 'impartial ſpeaker) Amyand, Maygens, Salvador, 'Colebroke, Thornton and Muilman had each '200,000*l.* of the new ſubſcription and of courſe, 'almoſt immediately cleared 20,000*l.* each which 'they have or have not ſhared among their friends.'

'And this deponent further ſaith that he hath alſo read over and conſidered the ſimilar paragraphs or parts of the ſaid reprinted copy of the ſaid paper, called the North Briton, as the ſame appeared to be expreſſed in the ſaid reprinted copy of the ſame in the ſaid annexed book called the Political Controverſy, as the ſame are therein ſet forth beginning at the twelfth line of the page or folio in the ſaid book marked 377 at the like words 'Let us

'now

' now conſider' and ending at the word '*friends*' in the ſixth line of the page following or folio marked 378 of the ſame book. And this deponent ſaith that he doth apprehend and think himſelf prejudiced and injured in his character and credit in his buſineſs as a merchant of the city of London by the aſperſions and inſinuations reſpectively contained in the ſaid ſeveral parts or paragraphs before mentioned and ſpecified of the ſaid paper called the North Briton and the reprinted copy thereof in the faid book called the Political Controverſy ſo far as the ſame do reſpectively mention and relate to the perſon in the ſaid paper and reprinted copy reſpectively mentioned by the name of *Cuſt* and that the ſaid papers do reſpectively contain in the opinion and belief of this deponent very groſs defamatory and malevolent as well as falſe and unjuſt inſinuations and aſperſions on the honour character and reputation of this deponent and this deponent ſaith he is the more fully convinced that this deponent was and is the perſon meant and intended by the name of *Cuſt* incerted in the ſaid ſeveral papers before mentioned, called the North Briton and the ſaid reprinted copy thereof for that in or about the months of Auguſt and September laſt it being generally underſtood that a loan of money would be wanted for the ſervice of the public and ſupport of his majeſty's government in the ſucceeding year 1763 and it being then uncertain what ſum would be wanting (on account of the uncertainty at that time whether the war would continue or not) and it being alſo apprehended that a much larger loan would be wanted by the government than afterwards was found neceſſary and it being ſuppoſed that eight millions at leaſt would be wanted for the ſaid ſervice and this deponent being deſirous of contributing ſo far as he could to the ſervice of the public by procuring

among his friends and acquaintaince part of the money which might be wanted for the ſaid loan for the ſervice of the government whether there ſhould be a continuation of the war or not this deponent therefore declared to and gave out among his acquaintance that he intended to offer a liſt of ſubſcriptions to the lords commiſſioners of his majeſty's treaſury on account of the ſaid loan to amount of one million or thereabouts and thereupon this deponent received from many perſons as well thoſe of his acquaintance as many others who this deponent knew only by reputation and character as reſponſible perſons letters offering the ſums which they were reſpectively willing to ſubſcribe and which they deſired to be included in this deponent's liſt and this deponent did accordingly incert in his ſaid liſt indiſcriminately the names of all the perſons who ſo deſired to become ſubſcribers in this deponent's ſaid liſt (they being all perſons who in this deponent's judgement were able and reſponſible perſons) and the reſpective ſums which they ſeverally deſired to have incerted and were deſirous of ſubſcribing were accordingly incerted in their reſpective names in the ſaid liſt and no perſon who deſired to have any part of the ſaid ſubſcription was omitted or left out of this deponent's ſaid liſt in regard this deponent looked on the ſaid loan in the nature of a public ſubſcription and as what was likely to be a real ſervice, or benefit to the public and this deponent ſaith that in or about the month of January laſt and long before the terms of the ſaid loan were known and before it could be poſſibly known whether the terms thereof would prove advantageous to the ſubſcribers or not this deponent delivered in his ſaid liſt for the conſideration of the lords commiſſioners of the treaſury and that in the ſaid liſt ſo delivered in amounting to one million and twenty-four thouſand pounds or thereabouts

abouts were included the names of all and every perſon who had wrote to this deponent deſiring to be included in this deponent's liſt with the ſums by them deſired to be ſubſcribed whether they were of this deponent's acquaintance or ſtrangers (as many of them in fact were to this deponent, except by character as to their abilities) in order to their being eventually admitted as ſharers of the ſaid loan. And this deponent ſaith that above four-fifths of the ſum of two hundred thouſand pounds being the ſum allowed to this deponent on account of the ſaid liſt ſo delivered in and offered to be ſubſcribed by this deponent as aforeſaid was divided among the ſeveral perſons who had made ſuch applications to this deponent as aforeſaid and in which this deponent had no intereſt, or ſhare or profit whatſoever and that there was not any one perſon who had wrote to this deponent to be in this deponent's liſt who had leſs than one fifth of the ſum which he ſo wrote for except only one perſon who had wrote to ſubſcribe twelve thouſand pounds and had two thouſand only, of the loan, to make it an even ſum and this deponent ſaith that the aſſertions contained in the ſaid two printed papers herein before mentioned and deſcribed that is to ſay in the ſaid paper called the North Briton that a ſum of three hundred and fifty thouſand pounds and in the ſaid book called the *Political Controverſy* that a ſum of fifty thouſand pounds, was given in ſuch manner as in the ſaid papers mentioned which was levied upon the public is according to this deponent's judgment and beſt of his belief, a falſe and unjuſt miſrepreſentation inaſmuch as it was in this deponent's opinion and judgement *uncertain at the time of this deponent's delivering in his ſaid liſt as aforeſaid whether the agreement for the public loan would or would not be attended with benefit to the ſubſcribers and there was not in this deponent's judgment*

any probability that the ſubſcribers to the ſame would derive any large conſiderable or unreaſonable benefit from it nor was the agreement itſelf in this deponent's opinion unfair or unequitable or inadequate to the riſk run.

[*The following are the papers relating to the caſe of* Mr. Wilkes *and the 45th number of the* North Briton.]

MAGNA CHARTA,
Cap. 29.

NULLUS Liber Homo *capiatur*, vel *impriſonetur*, aut *diſſeiſiatur*, de libero tenemento ſuo, vel LIBERTATIBUS, vel LIBERIS CONSUETUDINIBUS SUIS, aut utlageter, aut exulet, aut *aliquo modo deſtruatur*. Nec ſuper eum *ibimus*, nec *ſuper eum mittemus* niſi per legale judicium parium ſuorum, vel per *legem Terræ*.*

As the apprehenſion, and commitment of John Wilkes, Eſq; Member of Parliament, to the Tower, muſt have raiſed the curioſity of many people, to know the circumſtances attending it, the following detail of ſimple facts (upon which every reader will make his own comments) cannot be unſeaſonable, and are perhaps abſolutely neceſſary to be laid before the public.

On Saturday the 30th of April, 1763, early in the forenoon, three of his majeſty's meſſengers, by virtue of a warrant from the ſecretary of ſtate, ſeized on the perſon of the ſaid John Wilkes, Eſq; Member of Parliament; of which warrant the following is a true copy.

* No freeman *may be apprehended*, or *impriſoned*, or *diſſeiſſed* of his freehold, or LIBERTIES, or FREE CUSTOMS, or be outlawed or baniſhed, or *any wiſe deſtroyed*. Nor *will we paſs upon him*, nor *condemn him*, but by the lawful judgment of his peers, or by the *law of the land*.

George

L. S. George Montague Dunk earl of Halifax viſcount Sunbury and baron Halifax one of the lords of his majeſty's moſt honourable privy council lieutenant general of his majeſty's forces and principal ſecretary of ſtate.

Theſe are in his majeſty's name to authorize and require you (taking a conſtable to your aſſiſtance) to make ſtrict and diligent ſearch for the authors printers and publiſhers of a ſeditious and treaſonable paper intitled the North Briton Number XLV Saturday April 23 1763 printed for G. Kearſly in Ludgate Street London and them or any of them having found to apprehend and ſeize together with their papers and to bring in ſafe cuſtody before me to be examined concerning the premiſes and further dealt with according to law And in the due execution thereof all mayors ſheriffs juſtices of the peace conſtables and all other his majeſty's officers civil and military and loving ſubjects whom it may concern are to be aiding and aſſiſting to you as there ſhall be occaſion and for ſo doing this ſhall be your warrant Given at St. James's the twenty-ſixth day of April in the third year of his majeſty's reign

ſigned
Dunk Halifax

directed to
Nathan Carrington John Money
James Watſon and Robert Blackmore
Four of his majeſty's meſſengers in ordinary

N. B. The officers had a *verbal* order to put this warrant in execution by entering forcibly into the houſe of John Wilkes, Eſq; Member of Parliament, at midnight; and thoſe officers are now threatened

with the loſs of their places for not complying with ſuch *verbal* inſtructions.

On the intimation of Mr. Wilkes, Member of Parliament, being in cuſtody, a motion was made in the court of common pleas then ſitting in Weſtminſter Hall, for a Habeas-Corpus, which was granted; though by reaſon of the Prothonotory's office not being open, ſuch Habeas Corpus could not be ſued out 'till four o'clock in the afternoon.

Several gentlemen, friends and acquaintance of the ſaid John Wilkes, Eſq; Member of Parliament, applied for admittance into his houſe, which was then peremptorily refuſed by a *pretended* order from the ſecretary of ſtate; which order, though repeatedly requeſted, was not or could not be produced.

As no proper or *legal* authority appeared to countenance ſuch refuſal, the gentlemen thought themſelves no ways obliged to obey the *verbal* commands of officers acting only under a *verbal* authority; and entered accordingly without further queſtion or moleſtation from *thoſe* officers.

Mr. Wood, the deputy ſecretary of ſtate, being ſent for, demanded the reaſon of ſuch *forcible* entry: It was replied that *no* force had been uſed, and that the gentlemen thought themſelves *legally* juſtified in what they had done.

Soon after this (whether ſent for or not, does not appear) Philip Carteret Webb, Eſq; ſolicitor to the treaſury, came into the room, and ſome *private* converſation between him and Mr. Wood having paſſed, the latter aſked, if any gentleman then preſent would attend or inſpect the officers while they were ſealing up all papers in the houſe of Mr. Wilkes; or uſed words to that or the like effect.

Mr. Wilkes having declined accepting of the like offer, no perſon then preſent thought himſelf authorized to take upon him ſuch inſpection.

Not-

Notwithſtanding it was known, that the court of common pleas had granted an Habeas Corpus, of which fact, Philip Carteret Webb, Eſq; ſolicitor to the treaſury, at that time at Lord Halifax's, was then well aſſured; yet was the ſaid John Wilkes, Eſq; member of parliament, committed to the tower of London.

His ſolicitor and one of his council, ſoon after they heard of ſuch commitment, went to the Tower in order to conſult with the ſaid John Wilkes, about the *legal* methods to be purſued for his enlargement; but were denied admittance; Major Ransford informing them, that he had received *orders* from the *ſecretary* of *ſtate*, not to admit *any perſon whatſoever*, to ſpeak with or ſee the ſaid John Wilkes: and further informed them, that he had juſt before refuſed the right honourable the Earl Temple ſuch admittance.

On Sunday, May the firſt, the ſame gentlemen between the hours of twelve and one, called again upon Major Ransford, on the ſame occaſion; but were again denied admittance, as were ſoon after many noblemen and gentlemen of the firſt diſtinction, and Mr. Wilkes's own brother.

After ſuch denial, Mr. Wilkes's ſolicitor demanded of the Major a copy of the warrant, under which Mr. Wilkes was committed to the Tower; whichwas readily granted by the Major, and of which the following is a true copy.

> Charles earl of Egremont and George Dunk earl of Halifax lords of his majeſty's moſt honourable privy council and principal ſecretaries of ſtate.

Theſe are in his majeſty's name to authorize and require you to receive into your cuſtody the body of JohnWilkes, eſq; herewith ſent you for being the author and publiſher of a moſt infamous and ſeditious libel intitled the North Briton number

45 tending to inflame the minds and alienate the affections of the people, from his majeſty and to excite them to traiterous inſurrections againſt the government, and to keep him ſafe and cloſe until he ſhall be delivered by due courſe of law, and for ſo doing this ſhall be your warrant. Given at St. James's the 30th day of April 1763 in the third year of his majeſty's reign.

ſigned

Egremont L. S.
Dunk Halifax L. S.

To the right hon. John Lord Berkeley of Stratton conſtable of his majeſty's Tower of London, or to the lieutenant of the ſaid Tower or his deputy.

Philip Carteret Webb, eſq; ſolicitor to the treaſury, then being preſent in the ſaid Major Ransford's room, Mr. Wilkes's council and ſolicitor applied to the ſaid Mr. Webb for admittance to the ſaid Mr. Wilkes.

Philip Carteret Webb, eſq; deſired Major Ransford to allow ſuch admittance, which he would indemnify; the Major, with a ſpirit becoming a good officer, replied, he could not diſobey orders.

Philip Carteret Webb, eſq; reanſwered, he believed there muſt have been a miſtake in the orders, and that, if either of the ſecretaries of ſtate were in town, he would apply to them, and obtain ſuch admittance as aforeſaid, and that he would either ſend or bring an order for ſuch admittance in the afternoon.

Upon this aſſertion, the ſaid Mr. Wilkes's counſel and ſolicitor between eight and nine o'clock in the evening of the ſame day, again went to the Tower and applied for admittance as aforeſaid. The Major having received no inſtructions from either the

ſecretaries

ſecretaries of ſtate, or Philip Carteret Webb, eſq; refuſed as before.

On the morning of Monday, the ſecond of May, the court of common pleas ordered a return to their writ of Habeas Corpus, which return not then appearing to the court to be ſufficient, the court ordered, that the ſaid return ſhould not at preſent be filed; but upon motion granted another Habeas Corpus directed to the conſtable and ſo forth of the Tower of London.

Mr. Wilkes's ſolicitor and counſel the ſame day, between the hours of two and three, again went to the Tower, and made application to Major Ransford for admittance to the ſaid John Wilkes, eſq; but were refuſed ſuch admittance, Major Ransford declaring that he received no orders from either of the ſecretaries of ſtate to that purpoſe. There appeared upon the table of the ſaid Major Ransford a written order for him to take down the names of all perſons applying for admittance to Colonel Wilkes.

MAGNA EST VERITAS.

ORDERS *iſſued by the lieutenant governor of the Tower reſpecting the detention of John Wilkes, Eſq*;

'That the warders appointed to keep a cloſe priſoner, ſhall not preſume to leave him for a moment alone, either night or day, or to change their duty, with other warders, but by particular leave or order from the conſtable, lieutenant, deputy lieutenant, or in their abſence the major of the Tower.

'They are to permit no perſon to have admittance into the room he is confined in, or to ſpeak to him, but by particular order brought them by the major, or gentleman gaoler.'

The

The Major had likewiſe a written order, to take down the names of all perſons who applied for admittance to Mr Wilkes.

On the morning of Tueſday May, 3, Mr. Wilkes was brought to the bar of the court of Common Pleas, Weſtminſter, where he made the following ſpeech.

'I FEEL myſelf happy to be at laſt brought 'before a court, and before judges, whoſe cha- 'racteriſtic is the love of liberty. I have many 'humble thanks to return for the immediate or- 'der you were pleaſed to iſſue, to give me an op- 'portunity of laying my grievances before you. 'They are of a kind hitherto unparaleled in this 'free country, and I truſt the conſequences will 'teach miniſters of Scottiſh and arbitrary principles 'that the liberty of an Engliſh ſubject is not to be 'ſported away with impunity, in this cruel and deſ- 'potic manner.

'I am accuſed of being the author of the North 'Briton, No. 45. I ſhall only remark upon that 'paper that it takes all load of accuſation from the 'ſacred name of a prince, whoſe family I love and 'honour as the glorious defenders of the cauſe of 'liberty, and whoſe perſonal qualities are ſo amia- 'ble, great, and reſpectable, that he is deſervedly 'the idol of his people. It is the peculiar faſhion 'and crime of theſe times, and of thoſe who hold 'high miniſterial offices in government, to throw 'every odious charge from themſelves upon ma- 'jeſty. The author of this paper, whoever he 'may be, has, upon conſtitutional principles, done 'directly the reverſe, and is therefore in me the ſup- 'poſed author, meant to be perſecuted according- 'ly. The particular cruelties of my treatment, 'worſe than if I had been a ſcottiſh rebel, this 'court will hear, and I dare ſay, from your juſtice 'in due time redreſs.

'I may perhaps ſtill have the means left me to 'ſhew that I have been ſuperior to every tempta- 'tion of corruption. They may indeed have flat- 'tered themſelves, that when they found corrup- 'tion could not prevail, perſecution might intimi- 'date. I will ſhew myſelf ſuperior to both. My 'papers have been ſeized, perhaps with a hope the 'better to deprive me of that proof of their mean- 'neſs, and corrupt prodigality, which it may poſ- 'ſibly, in a proper place, be yet in my power to 'give.'

He then pleaded by his council, Mr. Serjeant Glynn, for his diſcharge, alledging that his commitment was not valid. The debate laſted from eleven o'clock till a quarter paſt two; when after ſeveral learned arguments on both ſides, he was remanded back to the Tower; and his friends had, for the firſt time, the opportunity of acceſs to him. At his departure from the hall, the acclamations of the people were, Liberty! Liberty! Wilkes for ever, and no exciſe! The court then adjourned to Friday the 6th of May, at which time he was ordered to be brought up again, that the affair might be finally determined.

His friends now had the liberty of viſiting him; and perhaps no priſoner in the Tower of London ever before, was attended by ſuch an illuſtrious train of viſitors.

During this reſpite his majeſty was pleaſed to iſſue orders to lord Egremont, to remove him from his poſt of colonel in the militia of the county of Buckingham, which was ſignified to him in the following letter.

Copy of a letter from the Earl of Egremont *to the Earl* Temple.

My Lord,

THE king having judged it improper, that John Wilkes, esq; shou'd any longer continue to be colonel of the militia for the county of Buckingham, I am commanded to signify his majesty's pleasure to your lordship, that you do forthwith give the necessary orders for displacing Mr. Wilkes, as an officer in the militia for the said county of Buckingham.

I am with respect,
My Lord,
Your lordships most obedient
humble servant,
EGREMONT.

Whitehall,
May, 4, 1763.
To the earl Temple.

Letter from the earl Temple *to* John Wilkes, *esq* ;

SIR,

AT my return last night from the Tower, I received the enclosed letter from the Earl of Egremont: in consequence of his majesty's commands therein signified, you will please to observe, that you no longer continue colonel of the militia for the county of Buckingham.

I cannot, at the same time, help expressing the concern I feel in the loss of an officer, by his deportment in command, endeared to the whole corps.

I am, Sir
Your most obedient,
And most humble servant,
TEMPLE.

Pall Mall,
May 5, 1763
To John Wilkes, esq;

Copy

Copy of a letter from John Wilkes, *esq*; *to the Earl* Temple.

My Lord,

I HAVE this moment the honour of your lordſhip's letter, ſignifying his majeſty's commands that I ſhould no longer continue colonel of the militia for the county of Buckingham. I have only to return your lordſhip my warmeſt thanks for the ſpirit and zeal you have ſhewn in the ſupport of that conſtitutional meaſure from the very beginning. Your lordſhip will pleaſe to remember, that I was amongſt the foremoſt who offered their ſervices to their country at that criſis. Buckinghamſhire is ſenſible, and has always acknowledged, that no man but your lordſhip could have given ſucceſs to that meaſure in our inland county. I am proud of the teſtimony your lordſhip is pleaſed to give me, and am happy, in theſe days of peace, to leave ſo amiable a corps in that perfect harmony, which has from the beginning ſubſiſted.

I have the honour to be,
With unfeigned reſpect,
My Lord,
Your lordſhip's moſt obedient,
and moſt humble ſervant,
JOHN WILKES.

Tower,
May 5, 1763.

To the Earl Temple

Angliæ Jura in omni caſu Libertati dant Favorem.

Impius et Crudelis judicandus eſt qui Libertati non favet. *Coke Littleton.*

On Friday the 6th of May, Mr. Wilkes was brought up from the Tower to the court of common pleas

pleas, where as ſoon as the court was ſeated) he made the following ſpeech:

My Lords,

'FAR be it from me to regret that I have paſs-
'ed ſo many more days in captivity, as it will have
'afforded you an opportunity of doing upon ma-
'ture reflection, and repeated examination, the
'more ſignal juſtice to my country. The liberty
'of all peers and gentlemen, and what touches
'me more ſenſibly, that of all the middling and
'inferior ſet of people, who ſtand moſt in need of
'protection, is in my caſe this day to be finally de-
'cided upon: a queſtion of ſuch importance as to
'determine at once, whether Engliſh liberty be a
'reality or a ſhadow. Your own freeborn hearts
'will feel with indignation and compaſſion all that
'load of oppreſſion under which I have ſo long
'laboured. Cloſe impriſonment, the effect of pre-
'meditated malice; all acceſs for more than two
'days denied to me; my houſe ranſacked and plun-
'dered; my moſt private and ſecret concerns di-
'vulged; every vile and malignant inſinuation
'even of high treaſon itſelf, no leſs induſtriouſly,
'than falſely circulated, by my cruel and implaca-
'ble enemies, together with all the various inſo-
'lence of office, form but a part of my unexam-
'pled ill treatment. Such inhuman principles of
'ſtar chamber tyranny, will, I truſt, by this court,
'upon this ſolemn occaſion, be finally extirpated,
'and henceforth every innocent man, however poor
'and unſupported, may hope to ſleep in peace and
'ſecurity in his own houſe, unviolated by king's meſ-
'ſengers, and the arbitrary mandates of an over-
'bearing ſecretary of ſtate.

'I will no longer delay your juſtice. The nation
'is impatient to hear, nor can be ſafe or happy till
'that is obtained. If the ſame perſecution is after
'all to carry me before another court, I hope I

ſhall

'ſhall find that the genuine ſpirit of Magna Char-
'ta, that glorious inheritance, that diſtinguiſhing
'characteriſtic of Engliſhmen, is as religiouſly re-
'vered *there*, as I know it is *here*, by the great
'perſonages, before whom I have now the happi-
'neſs to ſtand; and (as in the ever-memorable caſe
'of the *impriſoned biſhops*) an independent *jury* of
'free-born Engliſhmen, that will perſiſt to deter-
'mine my fate, as in conſcience bound, upon con-
'ſtitutional principles, by a verdict of *guilty* or *not*
'*guilty*. I aſk no more at the hands of *my coun-*
'*trymen*.'

After which the court proceeded to give their opinion: and Mr. Wilkes was ordered to be *diſcharged*. He then addreſſed himſelf to the court in the words following.

My Lords,

'GREAT as my joy muſt naturally be at the de-
'ciſion which *this court* with a true *ſpirit of liberty*,
'has been pleaſed to make concerning the *unwar-*
'*rantable ſeizure of my perſon*, and all the other
'conſequential grievances, allow me to aſſure you
'that I feel it far leſs ſenſibly *on my own account*,
'than I do for *the public*. The ſufferings of *an*
'*individual* are *a trifling object*, when compared
'with the *whole*, and I ſhould bluſh to feel for *my-*
'*ſelf* in compariſon with conſiderations of a nature
'ſo *tranſcendently ſuperior*.

'I will not trouble you with my poor thanks.
'Thanks are due to you from the whole *Engliſh*
'nation, and from *all* the ſubjects of the *Engliſh*
'crown. They will be paid you together with
'every teſtimony of zeal and affection to *the learned*
'*ſerjeant*,* who has ſo *ably* and ſo *conſtitutionally*

* Mr. Serjeant Glynn.

'pleaded my cauſe, and in mine (with pleaſure I 'ſay it) *the cauſe of liberty*. Every teſtimony of 'my gratitude is juſtly due to *you*, and I take leave 'of *this court* with a veneration and reſpect, which 'no time can obliterate, nor can the moſt grateful 'heart ſufficiently expreſs.'

When Mr. Wilkes had ended, the audience burſt into an *univerſal ſhout*, which was *often* repeated. Mr. Wilkes ſtaid ſome time in a room adjoining to the court, in expectation that the crowd would diſperſe: at laſt, finding that it continually encreaſed, he went out of the back door of the common pleas, and was received by a prodigious multitude of people who attended him, amidſt continual acclamations, to his own houſe in Great George Street, Weſtminſter. The evening concluded with bonfires, illuminations, and other rejoicings.

VIVANT REX ET JUDICES REGIS.

On Mr. Wilkes's return home from the court of common pleas, he ſent the following letter to the ſecretaries of ſtate.

Great George Street, May 6, 1763.

My Lords,

ON my return here from Weſtminſter Hall, where I have been diſcharged from my commitment to the Tower under your lordſhips warrant, I find that my houſe has been robb'd, and am informed that the ſtolen goods are in the poſſeſſion of one or both of your lordſhips. I therefore inſiſt that you do forthwith return them to

Your humble ſervant

JOHN WILKES.

Directed to

the earls of Egremont and Halifax, his majeſty's principal ſecretaries of ſtate.

[Next

[Next morning Mr. Wilkes in perſon, attended only by Mr. Grignion, of Ruſſel-Street, Covent-Garden, went to ſir John Fielding's, in Bow-Street, and demanded a warrant to ſearch the houſes of the earls of Egremont and Halifax, his majeſty's principal ſecretaries of ſtate, for the goods ſtolen out of his houſe, which he had received information were lodged at the ſaid houſes of the ſecretaries of ſtate, or one of them. John Spinnage, Eſq; the ſitting juſtice, refuſed to iſſue the ſaid warrant.]

The next day Mr. Wilkes received the following anſwer to his letter.

Great George Street, May 7, 1763.

SIR,

I N anſwer to your letter of yeſterday, in which you take upon you to make uſe of the *indecent* and *ſcurrilous* expreſſions of your having found *your houſe had been robbed*, and that *the ſtolen goods are in our poſſeſſion*: we acquaint you that your papers were ſeized in conſequence of the heavy charge brought againſt you, for being the author of an infamous and ſeditious libel, tending to inflame the minds, and alienate the affections of the people from his majeſty, and excite them to traiterous inſurrections againſt the government; for which libel, notwithſtanding your diſcharge from your commitment to the Tower, his majeſty has ordered you to be proſecuted, by his attorney general.

We are at a loſs to gueſs what you mean by *ſtolen goods*: but ſuch of your papers as do not lead to a proof of your guilt, ſhall be reſtored to you; ſuch as are neceſſary for that purpoſe, it was our duty to deliver over to thoſe, whoſe office it is to collect

the evidence, and manage the profecution againſt you.

We are
Your humble ſervants,
EGREMONT.
DUNK HALIFAX.

Directed to Mr. Wilkes.

To this anſwer Mr. Wilkes *ſent the following reply*, viz.

Great George-ſtreet, May 9, 1763.

My Lords,

'LITTLE did I expect, when I was requiring 'from your lordſhips what an Engliſhman has a 'right to, his property taken from him, and ſaid 'to be in your lordſhips poſſeſſion, that I ſhould 'have received in anſwer, from perſons in your 'high ſtation, the expreſſions of indecent and ſcur-'rilous applied to my legal demands. The reſpect 'I bear to his majeſty, whoſe ſervants it ſeems you 'ſtill are, though you ſtand legally convicted of 'having in me violated, in the higheſt and moſt 'offenſive manner, the liberties of all the com-'mons of England, prevents my returning you 'an anſwer in the ſame Billingſgate language. If I 'conſidered you only in your private capacities, I 'ſhould treat you both according to your deſerts: 'but where is the wonder that men, who have at-'tacked the ſacred liberty of the ſubject, and have 'iſſued an illegal warrant to ſeize his property, 'ſhould proceed to ſuch libellous expreſſions? You 'ſay, "that ſuch of my papers ſhall be reſtored "to me, as do not lead to a proof of my guilt." 'I owe this to your apprehenſion of an action, not 'to your love of juſtice; and in that light, if 'I can believe your lordſhip's aſſurances, the whole 'will be returned to me. I fear neither your pro-

'ſecution,

‘ ſecution, nor your perſecution; and I will aſſert
‘ the ſecurity of my own houſe, the liberty of my
‘ perſon, and every right of the people, not ſo
‘ much for my own ſake, as for the ſake of every
‘ one of my Engliſh fellow ſubjects.

I am,
my Lords,
Your humble ſervant,
JOHN WILKES.

Directed to
the earls of Egremont and Halifax, his majeſty's principal ſecretaries of State.

[*On the firſt day of the ſeſſions of parliament* (Nov. 15, 1763.) Mr. Wilkes *made the following ſpeech.*]

Mr. Speaker,

‘ I THINK it my duty to lay before the houſe a
‘ few facts, which have occured ſince our laſt
‘ meeting, becauſe, in my humble opinion, (which
‘ I ſhall always ſubmit to this houſe) the rights of
‘ all the Commons of England, and the privileges
‘ of parliament have, in my perſon, been highly
‘ violated. I ſhall at preſent, content myſelf with
‘ barely ſtating the facts, and leave the mode of
‘ proceeding to the wiſdom of the houſe.

‘ On the 30th of April, in the morning, I was
‘ made a priſoner in my own houſe, by ſome of the
‘ king's meſſengers. I demanded by what au-
‘ thority they had forced their way into my room,
‘ and was ſhewn a warrant in which no perſon was
‘ named in particular, but generally the authors,
‘ printers and publiſhers of a ſeditious and treaſon-
‘ able paper, entitled, The North Briton, No. 45.
‘ The meſſengers inſiſted on my going before lord
‘ Halifax, which I abſolutely refuſed, becauſe the

‘ warrant was, I thought, illegal, and did not re-
‘ ſpect me. I applied, by my friends, to the
‘ court of common pleas, for a Habeas Corpus,
‘ which was granted, but as the proper office was
‘ not then open, it could not immediately iſſue.
‘ I was afterwards carried, by violence, before the
‘ earls of Egremont and Halifax, whom I informed
‘ of the orders given by the court of common pleas
‘ for the Habeas Corpus; and I enlarged upon
‘ this ſubject to Mr. Webb, the ſolicitor of the
‘ Treaſury. I was, however, hurried away to the
‘ Tower by another warrant, which declared me the
‘ author and publiſher of a moſt infamous and ſe-
‘ ditious libel, intitled, *The North Briton*, No. 45.
‘ The word *treaſonable* was dropped yet I was de-
‘ tained a cloſe priſoner, and no perſon was ſuf-
‘ fered to come near me for almoſt three days,
‘ although my council, and ſeveral of my friends,
‘ demanded admittance, in order to concert the
‘ means of recovering my liberty. My houſe was
‘ plundered, my bureaus broke open, by order
‘ of two of your members, Mr. Wood and Mr.
‘ Webb, and all my papers carried away. After
‘ ſix days impriſonment I was diſcharged, by the
‘ unanimous judgment of the court of common
‘ pleas, “ That the privilege of this houſe extend-
‘ ed to my caſe.” Notwithſtanding this ſolemn
‘ deciſion of one of the king’s ſuperior courts of
‘ juſtice, a few days after, I was ſerved with a
‘ ſubpœna upon an information exhibited againſt
‘ me in the king’s bench. I loſt no time in con-
‘ ſulting the beſt books, as well as the greateſt
‘ living authorities; and from the trueſt judgment
‘ I could form, I thought that the ſerving me
‘ with a ſubpœna was another violation of the pri-
‘ vilege of parliament, which I will neither deſert
‘ nor betray, and therefore I have not yet entered
‘ an appearance.

‘

'I now ſtand in the judgment of the houſe, ſubmitting, with the utmoſt deference, the whole caſe to their juſtice and wiſdom, and beg leave to add, that if after this important buſineſs has in its full extent been maturely weighed, you ſhall be of opinion, that I am intitled to privilege, I ſhall then be not only ready, but eagerly deſirous, to wave that privilege, and to put myſelf upon a jury of my countrymen.'

Mr. Wilkes's letter to Mr. Martin.

Great George-ſtreet, Weſtminſter, Nov. 16.

'SIR,

'YOU complained yeſterday before five hundred gentlemen, that you had been *ſtabbed in the dark* by the North Briton, but I have reaſon to believe you was not ſo much in the dark as you affected and choſe to be. Was the complaint, made before ſo many gentlemen, on purpoſe that they might interpoſe? To cut off every pretence of ignorance as to the author, I whiſper in your ear, that every paſſage in the North Briton, in which you have been named, or even alluded to, was written by

Your humble ſervant,

JOHN WILKES.

Mr. Martin's *Anſwer.*

Abingdon-ſtreet, Nov. 16, 1763.

SIR,

'AS I ſaid in the Houſe of Commons yeſterday, that the writer of the North Briton, who had ſtabbed me in the dark, was a cowardly, as well as a malignant and infamous ſcoundrel; and your letter of this morning's date, acknowledges that every paſſage of the North Briton, in which

'I have been named, or even alluded to, was 'written by yourſelf, I muſt take the liberty to 'repeat, that you are a malignant and infamous 'ſcoundrel, and that I deſire to give you an op-'portunity of ſhewing me whether the epithet of 'cowardly was rightly applied or not.

'I deſire that you may meet me in Hyde 'Park immediately, with a brace of piſtols each, 'to determine our difference.

'I ſhall go to the ring in Hyde-Park, with my 'piſtols ſo concealed that nobody may ſee them; 'and I will wait in expectation of you one hour. 'As I ſhall call in my way at your houſe to deliver 'this letter, I propoſe to go from thence directly to 'the ring in Hyde-Park, from whence we may 'proceed, if it be neceſſary, to any more private 'place; and I mention that I ſhall wait an 'hour in order to give you full time to meet me.

I am, Sir,
Your humble ſervant,
SAM. MARTIN.

The circumſtances of the duel related by Mr. W. are as follow: when the gentlemen met in Hyde Park, they walked together for a little while to avoid ſome company, which ſeemed coming up to them. They brought each a pair of piſtols. When they were alone, the firſt fire was from Mr. M's piſtol. Mr M's piſtol miſſed Mr. W. and the piſtol in Mr. W's hand flaſhed in the pan. The gentlemen then each took one of Mr. W's pair of piſtols. Mr. W. miſſed, and the ball of Mr. M's piſtol lodged in W's belly. Mr. W. bled immediately very much. Mr. M. then came up and deſired to give him all the aſſiſtance in his power. Mr. W. replied, that Mr. M. had behaved like a man of honour, that he was killed, and inſiſted on Mr. M's making his immediate eſcape, and no creature ſhould know from Mr. W. how the affair happened. Upon this they

parted

parted, but Mr. M. came up again in two or three minutes to Mr. W. offering him a ſecond time his aſſiſtance, but Mr. W. again inſiſted on his going off. Mr. M. expreſſed his concern for Mr. W. ſaid the thing was too well known by ſeveral people, who came up almoſt directly, and then went away. Mr. W. was carried home, but would not tell any circumſtance of the caſe 'till he found it ſo much known. He only ſaid to the Surgeon, &c. that it was an affair of honour.

The day following Mr. W. imagining himſelf in the greateſt danger, returned Mr. M. his letter, that no evidence might appear againſt him; and inſiſted upon it with his relations, that in caſe of his death no trouble ſhould be given Mr. M. for he had behaved as a man of honour.

Mr. M. not at the ſame time returning Mr. W's letter, occaſioned ſomebody to remark, 'That in all 'probability it was kept in order to be made uſe of 'as a proof of Mr. W. being concerned in the 'North Briton.' I own, ſaid the remarker, that I can account for this behaviour of Mr. M. no more than I can for his tamely bearing above eight months the abuſe upon him. Has he been all this time (Sundays not excepted) practiſing at a target? that report is confirmed by all his neighbours in the country. Yet, after all, he did not venture to ſend to Mr. W. but before five hundred gentlemen, ready to interpoſe, ſeemed to intend to begin a quarrel, I ſuppoſe, that it might end there. Mr. W. choſe coolly, to take it up the next morning, by a private letter to Mr. M. who inſiſted on piſtols, without naming the ſword, though the choice of weapons, was, by the laws of honour, in Mr. W.

A letter from Dr. Brockleſby *to Mr.* Wilkes.

Dear Sir,

LATE laſt night I received the incloſed letter from my moſt ingenious and worthy friend Dr. Hebberden, and alſo the incloſed copy of an order of the houſe of commons, to report upon your caſe on the 19th of January; I am therefore to entreat you, to fix the hour for our attendance at your houſe on Monday, and I will take care to appoint Dr. Hebberden and Mr. Hebberden, and Mr. Hawkins, I am, Dear Sir,

Norfolk-ſtreet, Your moſt obedient
Sunday morning, humble ſervant,
Dec. 18, 1763. RICHARD BROCKLESBY.

Letter from Dr. Hebberden, *to Dr.* Brockleſby, *which was the incloſed letter abovementioned*

Cecil-ſtreet, Dec. 17.

Dear Sir,

AN order of the houſe of commons is come to Mr. Hawkins and me, to attend Mr. Wilkes from time to time in order to obſerve the progreſs of the cure, and to make a report to the houſe, together with you and Mr. Graves. You will oblige us by acquainting Mr. Wilkes with this; and if you will let us know at what time you intend to ſee Mr. Wilkes on Monday, we will be ready to meet you there. Mr Hawkins deſires that the appointment may be for ſome hours after twelve.

I am, Sir,
Your moſt humble ſervant,
W. HEBBERDEN.

A card from Mr. Wilkes *to Dr.* Hebberden.

MR. Wilkes preſents his compliments to Dr. Hebberden, and is duly ſenſible of the kind care and concern of the houſe of commons, not only for his health but for his ſpeedy recovery. He is attended by Dr. Brockleſby, of whoſe integrity and ability he has had the experience of many years, and on whoſe ſkill he has the moſt perfect reliance. Mr. Wilkes cannot but ſtill be of opinion, that there is a peculiar propiety in the choice he at firſt made of Dr. Brockleſby, for the cure of what is called a *gun-ſhot* wound, from the circumſtances of the doctor's having been ſeveral years phyſician to the army; but at the ſame time entertains a real eſteem for Dr Hebberden's great merit, and though he cannot ſay that he wiſhes to ſee the doctor at preſent, he hopes that he ſhall be well enough to beg that honour to eat a bit of mutton in

Monday, Dec. 19. *Great George-ſtreet.*

A card from Mr. Wilkes *to Mr.* Hawkins.

MR. Wilkes preſents his compliments to Mr. Hawkins. He ſome time ago, from motives of humanity, readily conſented, at the requeſt of Mr. Martin, to receive the viſits of Dr. Hebberden and Mr. Hawkins. He is now acquainted that the honour Mr. Hawkins intends him, of a viſit to-day, is not at the deſire of Mr. Martin; and therefore he begs that it may be deferred 'till he is more capable of enjoying company. He has every reaſon to continue perfectly ſatisfied with the conduct of Mr. Graves, a military ſurgeon of eminence, who extracted the ball, he hopes, in a few weeks, to be ſo well recovered, as to be able to receive Mr.

Hawkins,

Hawkins in Great George-ſtreet: and ſhall be impatient for an opportunity of ſhewing the juſt regard he will ever pay to ſo diſtinguiſhed a character.

Monday, Dec. 19.

Letter from Mr. Wilkes *to* Dr. Brockleſby.

Great George-ſtreet, Monday, Dec. 19. 1763.

Dear Sir,

I HAVE the favour of your letter, and of the papers incloſed. I think you are rather deficient in politeneſs, that you do not congratulate your friend on the *new* and *ſingular* honour done him by the *houſe of commons*, in appointing a *phyſician* and *ſurgeon* to attend him. The *lords* ſet them ſuch an example, by ordering the *phyſician* and *ſurgeon* of a member of the other houſe to their bar, to be examined concerning his ſtate of health. I had before received other unmerited obligations from their *lordſhips*, and the old friendſhips of Lord *Sandwich*, though I own I was rather put to the bluſh *by their publiſhing* to the world what they pretended was found [perhaps put] among the things ſtolen from me. If a man makes a private *eſſay on woman*, ſhould all the world ſee it? is a treatiſe againſt the ſpleen or the *tædium vitæ*, ſo dangerous as now to become a ſtate-crime for the cognizance of our preſent —l rulers, or rather In————s? Has the naſty gummy, blubbering, over-grown boy of a *lord*, as barbarous and bluſt'ring as the *north*, has he likewiſe received his orders to *denounce* to the commons a laughable poem, as a horrid crime to make all good chriſtians ſhudder? are the moſt wretched and impious lines, to be *forged*, that a work which idolizes the ſex, may be brought into judgment before the

the *crafty ſcot*, who never loved any woman and who———

This laſt act of the *commons* ſeems almoſt to perfect the ſcene, and quite overwhelms me with gratitude. Yet though I am a young member, I cannot but obſerve and lament, that the antient, eſtabliſhed forms of parliament have in the preſent caſe been laid aſide, as if order had taken leave of the *houſe* with good old *Onſlow*. The courſe of buſineſs has always been, that affairs of importance ſhould previouſly go to a *committee*. The affair you have mentioned is of ſo much real conſequence, that it ſhould (in my poor opinion) have been referred to *two committees*. *Firſt*, it ſhould have gone to the *committee of ways and means*, to contrive how the *ſtate phyſician* and *ſurgeon* can get into my houſe. *Secondly*, to the *committee of ſupply*, to vote the fees due to the gentlemen for their attendance; but I have public *oeconomy* ſo much at heart, (though I make no parade of it) that I will ſave the nation that expence; for I will not ſuffer either of them to enter my doors.

The *commons*, like true country people, ſeem to have an overflowing of kindneſs for me, which is very apt to ſurfeit: and yet like the others, ſometimes in the ſame moment, they fail in a point of good breeding, even to one of their own members. The *houſe* deſires Dr. *Hebberden* and Mr. *Hawkins* to come to me, but forgot to deſire me to receive them, and I moſt certainly will not.

Surely, my dear Sir, this matter has been too lightly determined upon by the *honourable houſe*. It is pretty well known that I have already a *phyſician* and *ſurgeon*, whoſe characters the foul breath of ſlander never reached, and whom I confide in and love. Why ſhould I admit any others? am I to conſent to an unjuſt ſlur upon gentlemen, with whom I have all the reaſon in the world to be ſatisfied? ſhall

I concur in ſuffering party madneſs to fix a vile ſuſpicion, where I know that it ought not to reſt? I will never countenance ſo ſhameful a proceeding. Honour, juſtice, gratitude, private friendſhip, equally forbid it.

My brother members ſeem quite wild in their rage. They would force a *phyſician* and *ſurgeon* upon me, when I have one of each already, and they forget that my dear friend and *chaplain* CHURCHILL has left me for ſome time. Would it not therefore have looked better, if theſe obliging friends had ſhewn ſome regard to my *ſpiritual* concerns, and had ordered their own chaplain, the very *learned* brother of the very *conſcientious* merchant, and of the very *acute* ſ——, to attend me; or they might perhaps have prevailed on the GOOD Mr. *Kidgell*. He is ſo ready to every laudable (and lucrative) work, he would not, I believe, have heſitated. You might, in time, have had *obſervations on my converſion and apoſtleſhip*, though I hope not in a way to make you doubt of the whole; at leaſt you would have been ſure of a SERIES OF LETTERS in the LEDGER, the profits to be divided between the ſaid *Kidgell* and his partner *Mac-Faden*, according to the ſaid *Kidgell*'s former plan. I think the *lords* too ought to have conſidered this important point *chaplainſhip*, and lord *Sandwich*, or lord *Le Deſpencer*, or ſome other *pious* lord, ſhould have moved to lend me a *divine legation of the biſhop of Glouceſter*. I have been ſaid to have doubts. I really have none. If I had, that *orthodox* biſhop would ſurely be able to remove them; only I ſhould fear, that for every one of mine he carried away, he would leave ten of his own behind with me. I might likewiſe be treated with quaint perſuaſives to *continence*. It could never come more *a propos*, nor with a greater probability of ſucceſs, for that cold, frozen virtue of *chaſtity*, the virtue of age,

not

not of youth, ſeems likely to be as much my portion this year, as it has been the pedant's through every year of his life*. His virtue is *fixed as in a froſt*, beyond all the powers of genial ſpring, or a moſt luſcious wife, mine I truſt will *thaw, melt, and reſolve itſelf to ſprightly dew* long before the firſt breath of zephyr.

After all, my dear doctor, I might, I believe, admit the ſtate-phyſician and ſurgeon without any danger of a *Ruſſian hæmirrhoidal cholic*, but I will not do any thing on *compulſion, Hal.* I do not ſuſpect either of them in the leaſt to reſemble a *Talbot*, a *Martin*, a *Forbes*, or a *Dun.* On the contrary, they are both amiable men, and therefore, I wiſh you would bring them here to dinner as ſoon as I ſhall get a little better, for, at preſent, if they come, I ſhould fear they would place themſelves, *by authority*, one on the right, and the other on the left hand, of their poor patient, and, like Sancho's doctor with his wand, forbid my taſting any thing I ogled, or rather *ſquinted* at.

I am alone; if you are diſengaged, I wiſh you to come here at four, and I will give you half of my boiled chicken. We never can want food for laughter, while, in the phraſe of the *ſly Fox, George Grenville* has the *conduct of the houſe of commons.*

I am ever, my dear Sir,

Your affectionate humble ſervant,

JOHN WILKES.

[While Mr. Wilkes lay dangerouſly ill of his wound, it was given out by the advocates for the miniſtry, that as ſoon as he came to the houſe

* ' Aſk of the learn'd the way? the learn'd are blind?'
That way a W—— could never find.

Eſſay on woman, ep. 4. l. 40.
The firſt line, is l. 19. of ep. 4. in Pope's *eſſay on man.*

he

he would be expelled: of courſe therefore a vacancy would happen for the borough of Ayleſbury which he repreſented; and ſomebody put the following paragraph in the London Evening Poſt:

'*Extract of a letter from* Ayleſbury, *Dec.* 1.

'WE have had great canvaſſing here ſince there 'has been a talk of expelling Mr. Wilkes. Sir Wil-'liam L— has been very buſy in behalf of his 'friend Capt. ——; but it is not believed he will 'ſucceed, becauſe it is very ungenerous and un-'gentleman like, in ſuch a particular caſe as this, 'to ſolicit intereſt to ſucceed a man before it is 'certainly known whether he will be expelled.

Which occaſioned the following letter.

To the printer of the London Evening Poſt.

SIR,

HAVING ſeen in your paper of laſt Saturday a reflection upon me, for having intereſted myſelf in behalf of a friend, upon the ſuppoſition of a vacancy likely to happen for that borough, I deſire you to inform your anonymous correſpondent, that I have done nothing therein, or upon any occaſion whatever, that I am not ready to vindicate as a gentleman to any one that ſhall require it.

Hartwell, W. LEE.
Dec. 6, 1763.

Although Mr. Wilkes was very innocent of the paragraph alluded to, yet he could not help taking notice of ſo extraordinary a letter; and immediately wrote the following anſwer.

To Sir William Lee *of Hartwell, in the county of Bucks, Bart.*

SIR,

GIVE me leave to congratulate you on your having commenced author, and the *London Evening Poſt*, on the great acquiſition made of ſuch talents as your's for that paper. I doubt not of your ſoon diſtancing all the other *miniſterial* writers; and though you may not regularly on Saturday nights have your pay counted out to you, yet ſome little ſnug fine-cure, or a miniſterial mandate to a county, for what you were very lately ſo aukwardly gaping after, (though thank heaven, you were diſappointed,) may, in the end, recompenſe your labours.

I muſt, however, recommend to you, rather more temper, you *ſtart* too furiouſly; you ſhould firſt play with bended reins, then urge by degrees more rapidly, and at laſt try the whole fury of the courſe. As a young man, you are intitled to pardon, but you ſhould have laughed at an idle paragraph in a news paper, in which your GREAT name is not at length. Did the conſcientiouſneſs of having merited that little ſatire, ſting you? I have a right to aſk you; for in your curious letter, you ſay *I have done nothing therein, or upon any occaſion whatever* (bravo! W. LEE de ſeipſo) *that I am not ready to vindicate as a gentleman to any one* THAT (not who) *ſhall require it.* Now I will only remark, *that*, *that that* worthy baronet urges it the very pink of chivalry, and is *that that* is very brave. But do you mean to *vindicate* it by your *pen* or your *ſword?* If by your *pen*, as you offer to *vindicate it to any one*, I, *A. B.* beg to aſk you a few queſtions. Was it conſiſtent with *honour* and *humanity* to begin a canvaſs in the borough of Ayleſbury, when

there was no certainty of any vacancy, and the preſent member lay dangerouſly ill from an affair of *honour?* Was this chriſtian like, pouring oil into his bleeding wounds; or, was it not, as far as you could, planting thorns under a ſick man's pillow? Was it fair, candid, or juſt, ordering application to be made to one of the returning officers, who is Mr. W——'s tenant? Have you ever had any provocation from Mr. Wilkes? Have you not always been upon terms of civility with him? Juſtify then to the world, the propriety, the decency, or even the humanity, of your conduct.

But, perhaps, I miſtake you, and you meant to juſtify it by your *ſword.* You have juſt begun by *inking* your *maiden pen*, and you might poſſibly mean at the ſame time to contrive to *fleſh your maiden ſword.* Pray be explicit, and let me know if you meant to ſend a challenge to all the world by the *London Evening Poſt.* Was ever any thing ſo truly noble and great?

But I tire you and myſelf: I ſhall therefore conclude, with only begging of you, that, inſtead of beginning any diſturbances at Ayleſbury, you would keep your own little pariſh of Hartwell quiet, and be reconciled to a worthy clergyman, who never offended you, and whom your good father cheriſhed, and honoured.

White Hart, Ayleſbury,
Dec. 16, 1763.

The following papers relate to the attempt which one Mr. Dun, *made on* Mr. Wilkes's *life.*

In the King's Bench. } JOHN WILKES, of Ayleſbury in the county of Bucks, Eſq; Matthew Brown, ſervant to the ſaid Mr. Wilkes, and Mathias Darly, of the pariſh of St. Anne, Soho, in the liberty of Weſtminſter, engraver, ſeverally make oath; and firſt, the ſaid John Wilkes for

for himſelf ſaith, That he this deponent verily believes that he is in danger of his life, from the wicked, malicious, revengeful, and unprovoked menaces of one Alexander Dun, who (this deponent is informed) is a Scotch officer; and between eleven and twelve of the clock laſt Tueſday Evening demanded entrance into this deponent's houſe in Great George-Street, Weſtminſter, and threatened violence to his perſon; and this deponent further ſaith, That about nine of the clock this morning he received the letter hereunto annexed, marked (A) which this deponent is informed, and verily believes, is of the hand writing of the ſaid Alexander Dun: and this deponent, Matthew Brown, for himſelf ſaith, that he ſaw a perſon at the time firſt above mentioned make ſeveral very rude and violent endeavours to come into the houſe of the ſaid Mr. Wilkes; and upon his being refuſed by this deponent, threatened revenge to Mr. Wilkes, and alſo to this deponent; and by the beſt deſcription and information which this deponent has been able to collect, he believes the ſaid perſon's name is Alexander Dun: and this deponent Mathias Darly for himſelf ſaith, That he this deponent did yeſterday write to Mr. Wilkes the letter hereunto annexed (B) the contents of which are true, and that the Scotch officer therein alluded to is the ſaid Alexander Dun: and this deponent further ſaith, That he is not moved by any malice or reſentment againſt the ſaid Alexander Dun, but thought it his duty as a member of ſociety, to make the above intimations to Mr. Wilkes, in order that he might concert the neceſſary meaſures for his perſonal ſafety. And therefore the ſaid John Wilkes craves ſureties of the peace againſt the ſaid Alexander Dun, not out of hatred or malice, but merely for the preſervation of his life and perſon from danger.

JOHN WILKES,
MATTHEW BROWN,
MATHIAS DARLY.

The deponent John Wilkes ſworn at his houſe in Great George-ſtreet, Weſtminſter, he being indiſpoſed, the 8th day of December, 1763, before me,

W. Mapelſden, by Commiſſion.

Matthew Brown and Mathias Darly, ſworn in Great Ormond-ſtreet, the 8th day of December, 1763, before

E. Wilmot.

SIR, *London, Dec.* 8, 1763.

AS I have ſomething of conſequence to communicate to you, I ſhould be glad to know what time would be moſt convenient for me to call upon you this day, I called once before and was refuſed admittance. Be ſo good as ſend me an anſwer by my ſervant who will wait for it. Lieutenant Crockat of dragoons, who is now in Scotland, deſires his compliments to you for the many civilities ſhewn him when he was quartered near your country ſeat; you may be aſſured that many of the Scotch have ſtill a regard for you, and none of them more ſo than your moſt humble and obedient ſervant,

Alex. Dun.

Direct to me at Mr. Whyte's, perukemaker, lieutenant of marines.

To John Wilkes, Eſq;

(A)

London Dec. 7, 1763.

SIR,

I SHOULD not do my duty if I did not acquaint you that the young Scotch officer, that wanted entrance at your houſe, is a villain, and his intentions are of blackiſh dye. I had been in his company for near four hours. That part of our converſation that relates to you, conſiſted chiefly of

of his intentions of maſſacreing you the firſt opportunity, and that there was thirteen more gentlemen of Scotland of the ſame reſolution, and confederates of his, who was reſolved to do it, or die in the attempt. Laſt night, when your trial was over, the gentleman at the coffee-houſe quitted the room that I was in (on account of the ſhouts in the Hall) and left the Scotch hero and I together, but I abruptly left the room, and went after the people to Great George-ſtreet, and on hearing a noiſe at your door, I went up, and, to my great ſurpriſe, ſaw the Scotchman a-trying for entrance; I knocked and had admittance, which enraged the hero ſo much, that he ſwore revenge againſt the ſervant, and was very troubleſome; when I went out, I heard a gentleman taking him to taſk upon his vowing revenge on you or your ſervant, upon which I told the gentleman a ſmall part of what I knew, and he put him in the hands of two watchmen, and ordered him to the roundhouſe, but at the corner of Great George-ſtreet, I am told, he was reſcued, and ran away. There was converſation paſſed between him and the company that is not ſafe to communicate by letter: his principles and zeal make it unſafe for ſuch an abandoned wretch to be at large. Your own diſcretion, I hope, will guide you to prevent any thing that may be intended.

I am, with all reſpect,
Sir your's,
M. DARLY.
Cranborn alley,
Leiceſter Fields.

To Mr. Wilkes,
Great George-ſtreet.

E. WILMOT. L. S.

ENGLAND, } WHEREAS I have received in-
to wit, } formation on the oath of John Wilkes, Eſq; Matthew Brown, and Mathias Darly,

That one Alexander Dun, between eleven and twelve o'clock on Tueſday evening laſt, demanded entrance into the houſe of John Wilkes, and threatened violence to his perſon; and hath ſince, in the hearing of Mathias Darly, declared his intention to maſſacre the ſaid John Wilkes the firſt opportunity; and therefore the ſaid John Wilkes craves ſureties of the peace againſt the ſaid Alexander Dun, not out of hatred or malice, but merely for the preſervation of his life and perſon from danger.

Theſe are therefore to will and require, and, in his majeſty's name, ſtrictly to charge and command you, and every of you, upon ſight hereof, to apprehend and take the ſaid Alexander Dun, and bring him before me, or one other of the juſtices of his majeſty's court of King's Bench, if taken in or near the cities of London or Weſtminſter, otherwiſe before ſome juſtice of the peace living near the place where he ſhall be herewith taken: to the end he may become bound with ſufficient ſureties for his perſonal appearance, in his majeſty's court of King's Bench, on the firſt day of Hillary term, to anſwer the premiſes, and, in the mean time, to keep the peace, and be of good behaviour towards all his Majeſty's ſubjects, eſpecially towards the ſaid John Wilkes; and hereof fail not at your peril.

Given under my hand and ſeal this eighth Day of December, 1763.

To Richard Elſton my tipſtaff, and to all chief and petty conſtables, headboroughs, tything-men, and all others whom theſe may concern.

Mr. Wilkes having appointed ſeven in the evening, on Thurſday laſt, for an interview with the ſaid Alexander Dun, he came punctually at the time, when he was apprehended in conſequence of the above warrant.

[The

[The following is taken from a paper that was circulated by Mr. Dun, with ſome remarks thereon.]

A S there is to be publiſhed by ſubſcription, by lieutenant Alexander Dun of Marines, a book entituled, The hiſtory of a reduced officer, with advice to half-pay officers, and to officers entering the army; a point explained concerning the ſea and marine officers: interſperſed with various obſervations on the fair ſex.

Quo ſemel eſt imbuta recens ſurvabit,
Odorem Teſta diu.

To which is added, ſome advices to, and obſervations on, Mr. Wilkes's behaviour to the Scotch nation.

†+† The author may be heard of at the Parliament-tavern, near Weſtminſter-hall, or at St. Clement's coffee-houſe in the Strand, if any gentlemen chuſe to ſubſcribe.—

Mr. Dun has had ſo much encouragement already from the nobility and quality, both in Britain, and in foreign countries, in this publication, that he would not have made it public had it not been for an accident which happened lately, now to be explained.

As Mr. Wilkes is mentioned in his treatiſe, he thought it incumbent upon him to wait upon Mr. Wilkes to ſee whether or not the diſſentions betwixt the Engliſh and Scotch nations [*what are theſe diſſentions? nobody ever heard of them*] reported to be occaſioned by him were from real or imaginary cauſes. He had an offer of being introduced to Mr. Wilkes by ſeveral different gentlemen [WHO?] and on Tueſday night [*near twelve o'clock*] went for that purpoſe, but was refuſed admittance; was diſappointed next day by breach of appointment [*What appointment?*] and on Thurſday Morning wrote Mr. Wilkes the following letter, which was ſent by his ſervant.

To JOHN WILKES, *Esq;*

SIR, *London, Dec.* 8, 1763.

'AS I have something of consequence to communicate to you, I should be glad to know what 'time would be most convenient for me to call 'upon you this day: I called once before, and 'was refused admittance. Be so good as send me 'an answer by my servant, who will wait for it.

'Lieutenant Crockat of dragoons, who is now 'in Scotland, desires his compliments to you for 'the many civilities shewn him when he was quar-'tered near your country seat. You may be as-'sured that many of the Scotch have still a regard 'for you; and none of them more so than your 'most humble and obedient servant,

ALEX. DUN.'

This letter he sent at nine o'clock in the morning; a little after one o'clock he received, by his servant, the following card.

Mr. DUN, *Thursday.*

'Mr. W——s's compliments to Mr. Dun, and 'desires to see him at seven o'clock this evening: 'is obliged to him for the account of Mr. 'Crockat.'

In consequence of this desire, Mr. Dun went to Mr. Wilkes's lodgings [*Who does Mr. Wilkes lodge with? This is the true Edinburgh stile: has Mr. Wilkes a house or only a flat: two or three rooms they call a flat at Edinburgh*] in George-street, at the time appointed—When he came there he knocked gently at the door, and was admitted by a servant who called himself Mr. Wilkes's Butler; he asked Mr. Dun to walk into a parlour until Mr. Wilkes should come down; wanted to know if he had

had any covers [*as he had deſired by his boy*] to be ſigned; and that he would carry them up to Mr. Wilkes: Mr. Dun then gave him a dozen, which he took away in order to carry up to Mr. Wilkes, who, he ſaid, was in the room above.—

In a few minutes after, the Butler came back, in a mild manner deſired Mr. Dun to walk above to his maſter, who was waiting for him: he immediately followed, and was ſcarcely out of the parlour door, when five or ſix men catched faſt hold of him, and brought him down; ſome of them were gentlemen, whoſe names Mr. Dun does not chuſe to mention, who uſed him very well afterwards: that violence was offered is evident, becauſe one of the gentlemen had the joints of two of his fingers diſlocated: they then ſearched Mr. Dun, but found no deadly weapon about him; indeed he had a penknife in his waiſtcoat pocket, [*looſe in his left hand coat pocket*] which they kept, and ſaid he had brought it with intention to kill Mr. Wilkes. That he may do impartial juſtice to all, he here declares, that in a little time they returned his pocket-book, papers, &c. and upon his obſerving that he was almoſt ſtrangled, they brought ſeveral different kinds of wine to chuſe of; drank his health, and ſaid they believed they were all in the wrong; [*not true*] but that he muſt go to ſome genteel houſe and be confined a little, until he ſhould clear up this matter, as Mr. Wilkes had a warrant againſt him on ſuſpicion of his intending to maſſacre him [*according to his own declaration.*] They then aſked, if he did not think it proper for them to have acted this part? He ſaid not, as he thought it was taking hold of him under ſhew of friendſhip, as the card expreſſed. He aſked if his letter did not deſerve civil treatment? To which Mr. C—tes, Juſtice of peace, [*in Surry*] was pleaſed to reply, That Mr. Wilkes had acted by his advice; that they found

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out he was a man of education from his letter, and therefore judged him the more dangerous. Mr. C—tes told him, that Mr. Wilkes desired he would write to him and clear up the matter more fully, and he would send him an answer [*not true.*] They then brought Mr. Dun, pen, ink, paper, and wax, and he wrote, directed to Mr. Wilkes in his lodgings: as Mr. Wilkes sent him a verbal answer, he will not insert a copy of this letter; he will only observe, that he procured him a dozen of franks from Mr. F—tzherb—t; thanked him for what he wrote; and said that he would have done them himself, but was not well. This message was sent him by a gentleman who carried up Mr. Dun's letter. Mr. F—tzherb—t he must thank for likewise subscribing to his performance in Mr. Wilkes's house, by only hearing a few pages read.

He does here declare he has no animosity against Mr. Wilkes, nor any man in Britain; some have shewn it in London, and that very lately, against him, for no other cause but his mentioning Mr. Wilkes in this performance: he has been often insulted and beat, [BEAT!] and bruised, but as justice always will get the better, and innocence will be protected, has always come off to his own satisfaction; and is not this moment afraid, although under lock and key in Stanhope-street.

He now, as an officer who has suffered in his Majesty's service, claims protection: is but young, cannot therefore command temper every moment to put up with hearing his countrymen in Scotland abused; but he wishes sincerely the whole would be unanimous, and then the English, Irish, and Scotch, would be a terror to all their enemies: if they disagree amongst themselves, the consequences will be dreadful. [*Do they?*] As the aforesaid publication will soon appear, he shall say no more at present on this subject, but acquaint the public that

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it is his firſt performance, wrote at the deſire of many gentlemen of known merit, and offered to the King's peruſal.

Upon the 10th of December inſtant, Mr. Dun was tried [*not even examined*] at Mr. Wilkes's inſtance, for a breach of privilege, &c. and acquitted: he muſt here own his obligations to ſeveral members who ſpoke in his behalf; although none of them will ſay he aſked them to appear in his defence.— He is ſorry that he had reaſon to ſay ſome Gentlemen were over inquiſitive; who inſiſted that his ſervant ſhould inform, and even threatened him, to tell them, what meſſages he ſent him from the Houſe of Commons.

The night this trial was ended, ſome of Mr. Wilkes's friends [*who were they?*] came to ſee Mr. Dun (as they themſelves owned) from a principle of curioſity; they wanted, they ſaid, to know what was the reaſon for his animoſity againſt Mr. Wilkes, and to ſee and take a copy of his card to Mr. Dun. In the firſt place, he informed them that he had no ill will at Mr. Wilkes, and let them copy the card, as they deſired: he further ſaid, that he intended to be his friend, and they ſaw his recompenſe. They then told Mr. Dun that the world conſidered this as a raſh and frantic action, at leaſt, that Mr. Wilkes's friends did; but that now they were ſatisfied it was not. They ſhewed Mr. Dun ſeveral penknives, and wanted to know the ſize of the one he had in his waiſtcoat pocket on the 8th inſtant. He told them it was the ſize of the leaſt of thoſe they produced; but that he ſhould not ſuſpect *them* of aſſaſſination for bringing them into his apartments: at this they ſmiled. As the news papers ſay [*his own account*] that Mr. Dun ſaid he purchaſed the penknife firſt nine months ago, then a ſhorter ſpace, and at laſt confeſſed he bought it at Chatham a fortnight before that time, he muſt explain

plain this matter? As he had three penknives purchaſed much about the times mentioned, but the one for common uſe, which was then in his pocket, he bought on the 1ſt of December laſt, from the ſhop of Nicholas Foſter, near the corner of Grocer's-alley. When Captain B——r came up to Mr. Dun in the Houſe of Commons, along with Dr. F——n, and aſked him if he knew them, he told Captain B——r, that he had the moment before made a bow to him, and aſked him how he did, but was ſurprized he took no notice of it; that as to Doctor F——n, he thought he might have ſeen his face before, but could not have recollected it except he had told his name; for altho' he informed Mr. Dun he was Phyſician at the Hoſpital of Gibraltar, when he was bad in a fever for ſix months, he did not recollect ſeeing him often, altho' he has reaſon to remember all the reſt of the faculty there. Mr. Dun was ſurprized that Captain B——r ſhould aſk him if he knew him, as he has been ſeveral times in company with him very lately, yea, within theſe three or four days. But as ſoon as theſe two Gentlemen had left Mr. Dun, he told the reſt that were preſent, that he ſuſpected that they were called as evidences to prove him mad or lunatic, from his behaviour when almoſt brought to the gates of death, by a fever at Gibraltar; had reaſon to be confirmed in this opinion, when his ſervant called at Mr. Wilkes's houſe, according to appointment, that ſame night, and was aſked by Mr. Wilkes's Valet de Chambre, if he was ſent by the madman his maſter? [*not true*] Mr. Wilkes ſent word he had no anſwer. Captain B——r knows that Mr. Dun always did his duty, and even more than lay to his ſhare; and that it was always a pleaſure to him while he was well. He likewiſe knows that there were ſeveral brave and ſenſible men (officers) in a worſe condition than

ever

ever he (Mr. Dun) was, proceeding from the ſame malady; that ſome cut their throats; that others ſhot themſelves thro' the body; and that many were prevented from putting an end to their own lives, proceeding, as one would imagine, from the nature of the climate; but he muſt obſerve, that ſometimes people receive favours from thoſe they leaſt expect them, and are deceived by others they confide moſt in; this has been Mr. Dun's caſe in this affair: A man, profeſſed the greateſt friendſhip for him, ſubſcribed to his book, ſaid he was half a Scotchman, and was in company with him on Tueſday night the 8th inſtant, at the Parliament tavern, was, as he is informed, the principal occaſion of this proſecution. God keep Mr. Dun from the company of half friends for the future; but let him add,

Integer vitæ, ſceleriſque purus non eget Mauri
Jaculis nec Arcu, nec venenatis gravida Sagittis.
Fuſee Pharetra.

We ſhall take the liberty of adding to Mr. Dun's caſe, that it is the obſervation of Machiavel, that in all caſes, not only of aſſaſſination, but of deep danger, no man ſhould be employed, who is always, and entirely in his ſenſes.

When Mr. Wilkes *was ſomewhat recovered of his wound he retired to* Paris, *where he was complimented by* Mr. Martin *(who had fled thither in conſequence of their late duel) with the following card:*

Hotel de Luynes, Dec. 30, 1763.

'MR. Martin preſents his compliments to Mr. 'Wilkes, and deſires to know how he 'does, flattering himſelf, from Mr. Wilkes's per-'formance of ſo long a journey, at this ſeaſon of

'the

'the year, that his health is perfectly re-eſta-
'bliſhed.

'Mr. Martin cannot help taking this opportu-
'nity to aſſure Mr. Wilkes, that he had deſired
'Mr. Bradſhaw to deliver up Mr. Wilkes's note,
'written to Mr. Martin on the 16th Nov. as it
'occurred to the latter that any imaginable uſe
'might be made of it to Mr. Wilkes's prejudice,
'and before Mr. Martin had heard from Mr. Brad-
'ſhaw that it was actually given up.

'Mr. Martin returns his thanks to Mr. Wilkes
'for his attention to Mr. Martin's ſafety, by giv-
'ing the early notice he did to Mr. Bradſhaw, of
'his apprehending himſelf to be in danger.

'It is impoſſible for Mr. Martin to think of
'taking part in any affair of Mr. Wilkes that he
'may find depending in the Houſe of Commons
'at his arrival in England. He propoſes to ſet off
'from hence on his return home on Monday next,
'but believes he ſhall not ſet foot in London till
'thoſe affairs are determined, to avoid even a co-
'lour of ſuſpicion that he is capable of appearing
'againſt Mr. Wilkes after what hath ſo recently
'happened.'

To which Mr. Wilkes returned the following anſwer.

Hotel de Saxe, Dec. 30. Friday.

'Mr. Wilkes's compliments to Mr. Martin,
'and is much obliged by the favour of his note.
'Mr. Wilkes is going to pay his reſpects to Lord
'Hertford, and if Mr. Martin is diſengaged, will af-
'terwards wait upon him for a quarter of an hour,
'at the Hotel de Luynes.'

Mr.

Mr. Wilkes *ſent the following letter to the Speaker.*

Paris, Hotel de Saxe, Jan. 11. 1764.

'SIR,

'I cannot expreſs the concern I am under, from 'the impoſſibility I now find of attending my duty 'in parliament on the 19th of this month: I have 'ſuffered very much from the tour I made here in 'the holidays to ſee my daughter: my wound is 'again become extremely painful, the parts are 'very much inflamed, and a fever attends it. I 'incloſe a certificate of one of the king's phyſicians, 'and a ſurgeon of the army, gentlemen of emi-'nence in their profeſſion, who think it abſolutely 'neceſſary for me to ſtay ſome time longer at Paris. 'I refer to the certificate itſelf for the particulars.

'The impatience I feel to juſtify myſelf to the 'houſe, from the groundleſs and cruel attacks upon 'me, and the zeal I hope ever to retain for the vin-'dication of the ſacred rights of the commons of 'Great Britain, and the privileges of Parliament, 'both of which have been groſsly violated in my 'perſon, had determined me to ſet out for England 'on Friday next, but I now find myſelf incapable 'of performing the journey. I am therefore, Sir, 'under the neceſſity of intreating you to ſubmit my 'caſe to the Houſe, and I doubt not, from their 'juſtice, a more diſtant day will be appointed, 'when it may be in my power to attend the diſ-'cuſſion of points very important in themſelves, 'and in which I am very materially concerned.

'I would not, Sir, implore this of the Houſe, 'if I thought the delay could be attended with any 'poſſible inconvenience to the public; and I beg 'to obſerve, that I ſeized the firſt moment, which 'the reſolutions of Parliament gave me, to enter

'my

'my appearance to the informations filed againſt
'me in the King's Bench. I am, with due reſpect
'and regard,

Sir, your moſt obedient humble ſervant,

JOHN WILKES.'

Right Honourable
Sir John Cuſt.

'Nous ſouſſignes medecin conſultant du Roi, ci
'devant medecin en chef des ſes armees en Alle-
'magne et en Eſpagne, et nous chirurgien conſul-
'tant des armees, et chirurgien major du regiment
'des Gardes Francoiſs, certifions que Monſieur
'Jean Wilkes eſt dans un etat que ne lui permet
'point, tant par raport a ſa bleſſure qui n'eſt pas
'encore entierement cicatriſee, que par raport a la
'fievre qui lui eſt ſurvenue d'entreprendre la rout
'de Paris a Londres; qu'il ſeroit a craindre un
'l'inflammation et le bourſoufflement conſiderable
'arrives depuis peu de jours, qu'il ne ſe format une
'hernie a la quelle, il ne ſeroit point poſſible de
'remedier, que pour prevenir cet accident, dont
'il eſt menace et que movement violent, tel que
'celui d'une chaiſe de poſte, et l'agitation de la
'mer ne manqueroient pas de determiner, il eſt
'abſolument indiſpenſable qu'il reſte encore quel-
'que tems a Paris. En ſoi de quoi nous lui avons
'delivre le preſent certificate. *A Paris*, 11 *Jan-*
'*vier* 1764.'

NINNIN.
DUFOUARE.

Extract of a letter from Mr. Wilkes *to* Mr. C——s,
dated Paris, June 5, 1764.

'THE two noble *Sweediſh whigs*, of whom you
'were ſo fond, did me the favour of dining here
'yeſterday.

'yeſterday. I paſſed the day very happily, though 'not ſo joyouſly as that day twelve month, in the 'midſt of my worthy conſtituents at Ayleſbury, all 'of us in full chorus, to the liberties of our country 'and the virtues of our ſovereign; yet after the late 'flagrant acts of deſpotic power in the miniſters, 'not forgetting either their wickedneſs or their inſo-'lence. * *Joly's champaigne* was not neceſſary to 'inſpire the higheſt good-humour and gaiety on ſo 'white, ſo auſpicious a day as the *fourth of June*; 'The toaſt conſecrated the wine, and gave it the 'true flavour, though I could not help lamenting 'my hard and unmerited lot of being forced to 'give ſuch a toaſt out of my own dear country, 'and in a land where the ſtandard of *liberty* is 'not yet erected. With Miſs W———'s help we 'made out tolerably well GOD SAVE GREAT 'GEORGE OUR KING; and as the Duke of 'Nivernois ſays in one of his letters———*Nous 'avons* toaſte *et chant fort gaiement*, *et enfin nous 'avons éte quatre bonnes heures à table.* As I am 'an univerſal *whig*, I could not avoid giving an 'additional ſtanza, the poetry of which I endeavour-'ed to bring *down* as low as the reſt of the ſong, 'and I believe I ſucceeded; the thought was good 'that the name of BRUNSWICK may ever 'be as propitious to the liberties of man-'kind as that of NASSAU; and our gracious ſo-'vereign, through a long and glorious reign, *equally 'feared abroad and beloved at home*, may approve 'himſelf as ſteady a patron of the rights of Eng-'liſhmen as his grandfather was. On the whole, it 'proved the moſt agreeable day I have paſſed ſince 'a few of us in April kept the anniverſary of CUL-'LODEN, which a good many others ſeem to 'have a *memorandum to forget*, or at leaſt to ne-'gleſt very ſhamefully.

'Lord *H******* gave yeſterday a grand dinner 'to all the *Engliſh* here, except one, and to the true

* Wine Merchant at *Paris*.

'Iriſh whigs; nor like a good courtier did he omit
'the new converts, the *Scots*; he did not, however
'obſerve the diſtinction which is ſo much in faſhion
'on your ſide the water, for the friends of the
'*Hanover* family, were received at leaſt as well as
'their known enemies. My lot is particular and
'droll enough: I am the ſingle *Engliſhman* not in-
'vited by the A———— of my country, on the
'only day I can at *Paris* ſhew my attachment to my
'ſovereign, as if I was diſaffected to the preſent
'eſtabliſhment, and yet I am frequently and groſs-
'ly abuſed by a ridiculous fellow at *Bouillon*, be-
'cauſe I am known to hate the other family; and
'his maſter, the *duke*, married the ſiſter of the pre-
'tender's wife, a princeſs of *Poland*, of the houſe
'of *Sobieſki*. This ſcribbler is one *Rouſſeau*, who
'by a wretched *journal* does all he can twice a
'month to degrade a name made illuſtrious by one
'of the beſt *French* poets, and by the great philo-
'ſopher, though *in theſe times* no longer the citizen
'of *Geneva*. He lays at my door the North Bri-
'tons againſt the *Stuarts*, and their *dear friends* in
'the north of our iſland.—You may believe me,
'when I aſſure you it was not the ſlighteſt mortifi-
'cation to me, that I did not receive an invitation
'to the H**l de B*****s. When I was aſked, how
'it could happen that ſo ſtaunch a *whig* as
'Mr. Wilkes was not invited, on the 4th of
'*June*, I laughed like the old *Roman I had*
'*rather you ſhould aſk why I was* NOT, *than*
'*why I* WAS *invited*; perhaps it ſhould have been
'aſked, why ſome others *were* invited. The liſt
'of the company of *Macs* and *Sawneys*, NOT *in the*
'*French* ſervice would divert you: I wiſh ſome of
'our neighbours from the other ſide of the Tweed
'may not keep the *twenty-firſt* with more real de-
'votion then they did the *fourth*. With reſpect to
'external rites they were exemplary, as all new
'converts are; and I believe you find them in En-

gland

'gland good *occaſional conformiſts*, though I ſhall ever
'imagine that it depends on contingencies how long
'they will continue ſuch. To ſay the truth, I paſ-
'ſed the day much more to my ſatisfaction than I
'ſhould have done in a a ſet of mixed or a ſuſpi-
'cious company, a fulſome dull dinner, two hours
'of mighty grave converſation, to be purchaſed in
'all civility by ſix more of PHARA, which I deteſt
'as well as every other kind of gaming. As to the
'A———, I have never had the leaſt connection
'with him, nor indeed wiſh it; nor at this time
'with his *Scottiſh* S*******y, nor at any time with
'his *Scottiſh* ch******n, becauſe—— an A*******,
'generally owes his very nomination to miniſterial
'influence, and is almoſt of courſe *(though this
'does not extend through his family)* under the di-
'rection of the miniſters, or perhaps as to the pre-
'ſent caſe, in all propriety we ought to ſay, of the
'*miniſter*, who, *behind and between the curtains*, ſtill
'governs our iſland. I have never been preſented
'at court, becauſe an Engliſhman ſhould be pre-
'ſented by the Engliſh ambaſſador; and I will not
'aſk any favour of Lord *Hertford* in the preſent
'ſtate of public affairs; though as a private noble-
'man, I ſhould be ambitious to merit, and moſt
'fortunate to obtain, his friendſhip, as well as lord
'*Beauchamp*'s, from their real ſterling ſenſe, great
'intrinſic worth, and what ſets off the whole, their
'amiable manners. I have the protection of the
'laws, which I never offend; I am at *Paris* like
'any other foreigner, who has no favour to aſk,
'nor need ſeek any other ſecurity.—The eloge,
'which the nobleſt of poets* gives me, that

I neither court the ſmile, nor dread the frown of kings,

'is as exact a truth here as you know it to have
'been while I was at home. The ſmall circle in
'which I now walk, will, however, bear teſtimony
'to the juſt tribute of gratitude I pay to the hu-

 mane

* Churchill.

'mane virtues of a prince, under whoſe mild and
'gentle government I have met with that protection
'which an innocent man has a right to expect, but
'could not find in his own country, under his own
'*****. Yet let me do juſtice, and carry my com-
'plaints to the ſource from whence they ſpring, to
'the baſe contrivances of miniſters exceedingly
'wicked and corrupt, and beſides ſtung to the quick,
'who had obtained a moſt unhappy aſcendency over
'the mind of their ******, and to ſecure them-
'ſelves, have made their moſt odious mea-
'ſures paſs for the meaſures of their ******,
'that the enormous load of their guilt, may be
'thrown from themſelves upon him; a practice not
'new, but of which every reign of the *Stuarts*,
'furniſhes examples. I hope ſoon to ſend you
'ſomething, *quod et hunc in annum vivat et plures*.
'My large work opens with the general idea of
'political liberty; then proceeds to examine the
'ſentiments of the European nations on this head,
'as diſtinguiſhed from the almoſt univerſal groſs
'deſpotiſm of the reſt of the world. The third
'part is a critique on the various governments
'of Europe. The fourth and laſt is entirely on the
'Engliſh conſtitution, the various changes it has
'undergone, the improvements made in it by the
'glorious revolution, and the no leſs happy than
'timely acceſſion of the houſe of *Brunſwick*.
'There are a few hints of ſome remedies to the
'defects ſtill ſubſiſting in this noble, and if my
'prayers are heard, this eternal fabric. A large *ap-*
'*pendix* contains, I hope a full juſtification of Mr.
'W——, upon conſtitutional grounds: a variety
'of characters are drawn from the life, which if I
'miſtake not, will entertain you; and I believe they
'are not *ſkeletons*, though I hope the originals will
'be ſo before the book is publiſhed.'

Having

Having given all the authentic letters and papers which were publiſhed relative to every branch of Mr. Wilkes's caſe, we now come to the ſtrictures and obſervations made upon them.

Queries on Mr. Wilkes's caſe.

WHETHER the apprehenſion of Mr Wilkes under a warrant *without oath, and without name*, is not illegal.

2. Whether in either of the warrants, which have been iſſued, the uſual and neceſſary word FALSE is to be found among the epithets applied to the ſuppoſed libel, No. 45 of the *North Briton?*

3. Whether any diſingenuous and unfair method was not employed by the ſecretaries of ſtate to elude the effect of the firſt *Habeas Corpus?*

4. Whether the commitment of Mr. Wilkes to the Tower for a *bailable* offence, and yet for above two days preventing any perſon from having acceſs to him, was not depriving him of all poſſibility of offering *bail*, and is not therefore a direct act of injuſtice, and a violation of the laws of England?

5. Whether the counſel, relations, and friends, of the lords *Lovat*, *Kilmarnock*, *Cromartie*, *Balmerino*, *&c.* committed to the Tower for *high treaſon*, were not from the firſt moment admitted to them?

6. Whether the *firſt warrant*, under which Mr. Wilkes's perſon was ſeized, his houſe rifled, his locks broke open, and his papers carried off, is not *univerſally* allowed to be arbitrary and tyrannical?

7. Whether (except in caſes of high treaſon) the *papers* of any *Engliſh* ſubject ought ever to be ſeized and whether all apparent proof being believed to be deficient, this is not to be deemed a moſt odious method of *fiſhing for evidence.*

8. Whether Mr. Wilkes did not from the firſt reſt his caſe on *the univerſal liberty of the ſubject*, and not on *privilege* only?

9. Whether the many profecutions now carrying on by Mr. Wilkes at ſo great an expence, bear the leaſt relation to *privilege*, and whether they are not clearly in vindication of the liberty, property, domeſtic quiet, and ſecurity of every *Engliſhman ?*

10. Whether Mr. Wilkes was admitted to ſee any one of his accuſers, and whether there is yet any accuſation *on oath* againſt him, relative to the *North Briton*, No. 45 ?

11. Whether Mr. Wilkes has not been treated as *guilty*, though juſtice as well as candour would yet pronounce him *innocent*, the law of *England* never *preſuming guilt ?*

12. Whether *ſureties of the peace* have been demanded or taken from any of the perſons ſuppoſed to have been concerned in the *North Briton*, No. 45 ?

13. Whether in all caſes of *breach of the peace*, the *ſubject* has not a right to be diſcharged from his confinement upon giving *ſureties for the peace*, and whether a *member of parliament* can be diſcharged, without giving them, if demanded ?

14. Whether every ſubject of *England* is not intereſted in the preſervation of the *privileges of parliament*, the houſe ofcommons being the guardians of the liberties of the people againſt the deſpotiſm of miniſters ?

15. Whether the *privileges of parliament* have not been extorted from *former kings*, and whether they have not ever been conſidered as the firmeſt barrier of the *Engliſh* nation againſt the encroachment of the crown, when unhappily under the influence of arbitrary miniſters ?

16. Whether any one fact reflecting on Mr. Wilkes's private character has been yet aſcertained, and whether, (as in the caſe of the *Wincheſter* falſehood of *lord Bute's ſon)* any proof whatever has been brought to ſupport the infinite calumnies ſo induſtriouſly propagated againſt Mr. Wilkes ?

17. Whether

17. Whether it be not the clear language of the conſtitution, that *the king can do no wrong*, but that ſome miniſter is reſponſible for the exerciſe of all the royal functions of *peace*, *war*, and even the darling attribute of *mercy*, not excepted ?

18. Whether the *king's ſpeech* has not at all times been adviſed and made by miniſters, and whether it is not the language of *every* conſtitution, that *good kings* may be ſurpriſed and impoſed upon by *bad miniſters ?*

19. Whether the *liberty of the preſs*, which is always deemed the bulwark of our liberties, can ſubſiſt, if there be a privileged vehicle of fallacy ?

20. Whether in the *North Britou*, No. 45, there appears the leaſt intention of vilifying the ſacred dignity of *royalty*, and whether the whole charge is not printed againſt *adminiſtration—contrary to the opinion of royalty itſelf—a prince of ſo many, great, amiable qualities, whom England truly reveres—the perſonal character of our preſent amiable ſovereign makes us eaſy and happy that ſo great a power is lodged in ſuch hands ?*

Standing order of the houſe of lords, April 18, 1626.

THE privilege of the houſe is, that no lord of parliament, ſitting the parliament, or within the uſual times of privilege of parliament, is to be impriſoned or reſtrained, without ſentence or order of the houſe, unleſs it be for treaſon, or felony, or for refuſing to give ſecurity for the peace.

Standing order of the houſe of commons, June 1, 1626, 19 Jac.

ORDERED upon the QUESTION, That in caſe of *any arreſt*, or any diſtreſs of goods, ſerving any proceſs, citation for *his perſon*, *arreſting his perſon*, ſtaying him in any court, or BREAKING

ANY OTHER privilege of this houſe, *a letter ſhall iſſue under Mr. Speaker's hand, for the party's relief therein*, as if the parliament were ſitting; and the party refuſing to obey it, to be cenſured at next meeting.

Caſe of Chief Juſtice Scroggs.

THE ſixth article of impeachment of high treaſon and other great crimes and miſdemeanors, againſt Sir *William Scroggs*, chief juſtice of the court of *King's Bench*, by the *commons* in *parliament*, A.D. 1680, is expreſſed in the following words. 'That 'the ſaid Sir *William Scroggs*, in further oppreſſion 'of his majeſty's liege people, hath ſince his being 'made chief juſtice of the ſaid court of *King's Bench*, 'in an arbitrary manner, granted divers general 'warrants for attaching the perſons and ſeizing the 'goods of his majeſty's ſubjects, *not named* or '*deſcribed particularly in the ſaid warrants*; by 'means whereof many of his majeſty's ſubjects 'have been vexed, their houſes entered into, and 'they themſelves grievouſly oppreſſed contrary to 'law.'

Query? Was Mr. Wilkes either *named* or *particularly deſcribed* in the warrant iſſued by the ſecretaries of ſtate for attaching his perſon? If not, what cenſure would the houſe of commons, who impeached Sir *William Scroggs*, have paſſed upon them for granting a warrant againſt *a perſon not named or particularly deſcribed in the ſaid warrant*.

Short note from Sir William Temple.

SIR WILLIAM TEMPLE, in relation to king CHARLES II. ſays, in his Memoirs, p. 28, 29, edition 8vo. 'At a long audience in his cloſet,— I 'ſhewed—that the force ſeeming neceſſary to ſub-

'due

'due the liberties and ſpirits of this nation, could 'not be eſteemed leſs than an army of 60,000 men, 'ſince the Romans were forced to keep twelve le-'gions to that purpoſe, the Normans to inſtitute '62,000 knights fees, and Cromwell left an army 'near 80,000 men. That I never knew but one 'foreigner that underſtood England, which was 'Gourville, whom I knew the king eſteemed the 'ſoundeſt head of any Frenchman he had ever ſeen. 'That when I was at Bruſſels in the firſt Dutch 'war, and he heard the parliament grew weary of 'it, he ſaid, the king had nothing to do but to 'make the peace. That he had been long enough 'in England, ſeen enough of our court, and peo-'ple, and parliments.' To conclude.

'Q'un Roy d'Angle-	*'That a king of En-*
'terre, qui veut être	*'gland, who will be the*
'l' homme de ſon peuple,	*'man of his people, is the*
'eſt le plus grand Roy du	*'greateſt king in the*
'monde; mais s'il veut	*'world; but if he will*
'être quelque choſe d'ad-	*'be any thing more, by*
'vantage, par Dieu il	*'G—d he is nothing at*
'n'eſt plus rien,'	*'all.'*

On Privilege of Parliament..

THE privilege of parliament was wiſely ordained for the ſecurity of the ſubject; who, having repoſed his liberty and property in his repreſentative in parliament, expects that protection from him which may be neceſſary againſt the deſigns or the attempts of any of the wicked inſtruments of power. Therefore, for the good of the whole, the perſons of members of parliament were exempted from attachment, unleſs it could be proved that they had been guilty of felony, treaſon, or breach of the peace.

In

In this exemption is ſacredly depoſited the certain ſafety of the liberties of the people; for while a member of parliament avoids thoſe offences, he cannot be cognizable for his conduct; and therefore, however he may give umbrage to a miniſtry, or be obnoxious to a court, he is yet ſafe in his perſon, and may therefore continue to be the advocate of our liberties and intereſts. To the benefit of this privilege we owe all the oppoſition which has been made, time immemorial, to tyrannic miniſters and arbitrary proceedings; for members being thus uncontroulable, act with that free will and ſpirit which is abſolutely neceſſary for the preſervation of that great truſt repoſed in them. If they were under a reſtraint with reſpect to ſuch freedom, the liberties and the intereſt of the people would ſoon be ſacrificed, becauſe they would not be able to defend them. The ſecretaries of ſtate would every day be committing them to one gaol or other, and perhaps in the ſpace of half a ſeſſion we ſhould be robbed of half our repreſentatives.

It is therefore evident, that on the privilege to which our members of parliament are entitled, our ſecurity depends. But there is an end of this privilege, and with it the liberties of the people, if the king's meſſengers, ſent by the ſecretaries of ſtate, are allowed to enter the houſe of a member of parliament at midnight, carry away his perſon by force, break open his locks, and ſeize his papers for evidence againſt him. I ſay, if ſuch STAR CHAMBER PRACTICES are allowed, our boaſted liberty, for which our anceſtors fought and bled, is at an end. Our members will all be ſcrupulous in oppoſing the miniſters, fearing leſt their oppoſition ſhould be termed an oppoſition to the king, and upon *that charge* their houſes become ranſacked,

ſacked, and their perſons toſſed about from hand to hand, and at length ſequeſtered in a gaol.

The caſe of a member of parliament, wherein his privilege is violated, appears to me, and ſo it muſt to every man, as not the caſe of that member only, but of the whole people of England, who are as eſſentially concerned in the preſervation of that privilege, as they would be materially affected by the loſs of their liberties. The privileges of the members, and the liberties of the people, are inſeparable: the former was made for the effectual preſervation of the latter againſt arbitrary and ill deſigning men, and therefore with the loſs of thoſe privileges we muſt inevitably loſe our liberties, which I believe will never be but with our lives.

HAMPDEN, *Bucks.*

Againſt privilege of Parliament.

I AM a tradeſman of very extenſive buſineſs, whereby I have made an eaſy fortune. In the early part of my life, the increaſe of my trade was almoſt the only object of my attention; but ſince my fortune has been more eaſy, I have thought it my duty to give ſome attention to the affairs of the public. I had been informed that an attack had been made upon the liberties of my country, in the perſon of Mr. Wilkes; and though from ſome private circumſtances known to me in the courſe of my buſineſs, (which is that of a diſtiller) I could have wiſhed the liberties of my country had found a better champion. I ſoon reſolved to forget the man, and thinking only of the cauſe, became ſo zealous, that I went for three mornings to Weſtminſter-Hall upon his account. I was preſent at his diſcharge on Friday; and on my return to the city, I went directly to a very worthy man who manages my law buſineſs, and to whoſe good ſenſe I have been

been more than once obliged, in the courſe of my life. I told him with great joy of the glorious determination that had been given in favour of liberty, and invited him to go home with me, and drink the health of Mr. Wilkes, earl Temple, and lord chief juſtice Pratt. But what, ſays he, is the determination? I explained to him, that the warrant of commitment had been declared legal: but notwithſtanding as a libel was not an actual breach of the peace, Mr. Wilkes being a member of Parliament, muſt be diſcharged. And is this, ſays he, the determination you are ſo overjoyed with? What protection is this to your liberty or mine? Is then privilege of Parliament become ſo popular a topic? Surprized at the reception my news found from him, Why, ſaid I, don't you think this deciſion is according to law? 'Tis that I regret moſt, ſaid he, and I dare ſay the court was very ſorry to pronounce it; but if it is law, they could not help it. Pray, ſaid I, explain what you mean, for I don't underſtand all this, You'll underſtand it ſoon enough, and feel it to your coſt, ſaid he; you remember the bill you directed me to file laſt year againſt Mr. ——, for the 2000*l.* mortgage? Aye, I may well remember it, after ſo many delays before we could come at his anſwer, and ſo many fair promiſes of payment, to defend himſelf by accuſing me of taking exorbitant intereſt; but I hope you'll loſe no time in carrying on the indictment againſt him for that perjury. I beg your pardon, ſaid he, I ſhall proceed no farther; thank God I have not taken him up, the firſt loſs is the cheapeſt; take back your papers, pay me my bill of coſts, and make yourſelf eaſy with the loſs of your 2000*l.* for as long as he has privilege you can never try him. Good God, cried I, and have I been rejoicing for this? Can't a man be tried without he be committed? No ſurely, ſaid he, for how otherwiſe ſhall he be forced to plead?

But

But your caſe will ſoon be other people's. Look there in the beginning of that Hawkins, (pointing to a folio upon his table) how many crimes there are which are neither treaſon, felony, nor actual breach of the peace; all theſe a peer, or member of parliament, is, by what you tell me, privileged to commit. After looking at this Hawkins, I could not help owning, that though I was not much concerned that Mr. Wilkes ſhould have a right to ſay what he pleaſed of the king and the miniſtry; I was a good deal uneaſy to think that Mr. —— knew he had a privilege to ſwear againſt my life or property, to cheat me of my goods, to ſeduce my daughter, nay, ſet up a bawdy houſe at next door, and keep her there publickly. 'Tis very true, ſaid my friend, there is no great reaſon to rejoice at this, but ſo the law is. And does this alſo extend to all great people's ſervants? To all: Bleſs me, ſaid I, I hope the houſe of commons will alter it: they are very good if they do, ſaid he, the nation will have reaſon to pray for them; but they won't meet theſe ſix months. I hope, ſaid I, the king will call them together ſooner: what for our ſake? have we been ſo thankful to him for giving up ſome of his own privileges, for reducing his civil liſt, and making his judges independent?

While he was ſaying this, I took up a Court Calendar, and being uſed to figures, made the following calculation.

Engliſh Peers —— —— ——		187
Arch-Biſhops and Biſhops ——		26
Scotch Peers —— ——		98
Members of Parliament ——		558
	Total	869
Servants upon a medium of eight to each, which is rather too low ——		7100
Total of privileged perſons		7985

I then

I then took from Hawkins the following liſt.

Crimes in which there is privilege

I. Blaſphemy.	1
II. Præmunire of which there are nine ſorts	9
III. Miſpriſion of treaſon	1
IV. Contempt of the king's palace or court of juſtice	1
V. Contempts againſt his prerogative, of which there are three ſorts	3
VI. Contempts againſt his perſon, ſix ſorts, viz.	
1. Charging the government with oppreſſion, or weak adminiſtration.	
2. Doing an act which impliedly encourages rebellion.	
3. Endeavouring to frighten the king into a change of meaſures.	
4. Spreading falſe rumours concerning the king's intentions.	
5. Charging him with a breach of his coronation oath.	
6. Speaking contemptuouſly of him.	6
VII. Contempts againſt his title, four ſorts	4
VIII. Petit Larceny	1
IX. Breach of duty by officers	1
X. Bribery	1
XI. Extortion	1
XII. Perjury	1
XIII. Forgery	1
XIV. Cheats	1
XV. Conſpiracy	1
XVI. Libels	1
XVII. Keeping a bawdy-houſe	1
Total of crimes	34

The reſult is, that there are 34 crimes which 7985 perſons have a privilege to commit, without any reſtraint, for at leaſt ſix months in the year, the uſual receſs of parliament.

If

If any perſon has a mind to carry the enquiry farther, he need only multiply the crimes by the perſons, and divide the total by the number of days in ſix months, and the quotient will give him the number of crimes that may be committed with impunity in a day.—After having made this calculation, I came home, very much out of humour with my own politicks; and I did not drink the healths of Mr. Wilkes, earl Temple, nor of lord chief juſtice Pratt.

Baſinghall-Street, I am, &c.

Saturday. A. B.

P. S. Perhaps it would be more accurate, if whoever makes the calculation I have mentioned, would take the trouble of ſubſtracting the archbiſhops and biſhops for themſelves, though not for their ſervants.

An anſwer to the preceding paper.

THE writer from Baſinghall-ſtreet, gives the beſt reaſon that can be given for the inconſiſtency there is in his letter, by confeſſing the extreme ignorance he laboured under of the ſubject he has thought fit to write upon. But that is no apology for any perſon's pretending, whether in a feigned or real character, to handle a matter, in itſelf of great importance, with which he profeſſes to have been utterly unacquainted.

If that tradeſman did not know, there are very few I believe of his own rank who are ignorant, that the privilege of parliament, moſt indiſputably, protects againſt perſonal arreſts for debts, and that it ſtays proceedings in civil actions. This ſeems to be the great ground of *this tradeſman*'s indignation at it; and yet, if it be true that he is a tradeſman of extenſive buſineſs, his ignorance of the fact only proves, that it is not attended with the general inconvenience

convenience he pretends to ground his complaint upon, to any ſuch degree as could have excited ſo unreaſonable animoſity as he expreſſes againſt it. The truth is, that if in any thing the privilege of parliament is attended with bad conſequences, it is in ſuits for recovery of debt. At the ſame time the ſtation itſelf, which preſumes the perſon ſo highly honoured and intruſted by his country to have ſome ſhare both of character and fortune, is a ſecurity againſt the inconveniencies that might attend the privilege belonging to it. Not to mention that if by any accident a perſon ſhould enjoy it who is baſe enough to abuſe it in that inſtance, the houſe of commons has a method of putting it out of his power, by making him wave his privilege. And beſides, every perſon ought to know with whom he deals, and need not do it with any member of parliament who, he thinks would treat him ſo ill as to uſe even his privilege for a protection againſt the demands of juſtice.

But this tradeſman is inconſiſtent beyond all meaſure, when he proceeds from the ſame ſelfiſh conſideration, which he owns firſt touched him to alarm the public with the ſuppoſed miſchiefs of the privilege of parliament, by a long liſt of crimes, which, he ſays, his attorney appriſed him (from Hawkins) any member of parliament is *privileged to commit*. He invites any perſon to make very ſtrange, and I ſuſpect a very unarithmetical calculation, how many crimes may be committed with impunity in a day. But a little good breeding, and not a great degree of common ſenſe, would have led him to an eaſier method of computation, by reflecting how often in his life he has heard of members of parliament being accuſed of any of the crimes in his fictitious liſt, which he has ſwelled by unintelligible ſubdiviſions, ideal offences, and deſcriptions which ſeem to have been borrowed from ſome office of inquiſition. By

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that politer and more certain rule he would have found his quotient of danger to be juſt nothing, becauſe the ſubject admits of no figures at all capable of being compounded or divided. The liſt itſelf cannot be more ridiculous than it is ill-mannered; it begins with blaſphemy, and ends with bawdy-houſes; and the right rev. the biſhops are among the perſons from whoſe guilt the ſociety is apprehended to be in danger.

Among the few other crimes it contains are larceny, perjury, forgery, and conſpiracy, none of which are very gentlemen-like miſdemeanours, (if any can be ſo called) though he ſuppoſes all the peers and beſt gentlemen in the kingdom capable of a frequent commiſſion of them.

But without ſaying more in anſwer to an objection that apparently has no argument in it, and is deſtitute of fact to ſupport any, let any one who is really deſirous to make a juſt eſtimation of the miſchief or inconvenience of the privilege of parliament, conſider in the firſt place, that it takes place in no caſe where *bail* does not. Bail will protect any other perſon from impriſonment, as effectually as privilege does a member of parliament: and, without dipping into the grounds of this privilege, is it not to be preſumed, that the character and ſtation of a member of parliament is equal to *bail*, for all the purpoſes which bail is deſigned to anſwer? Secondly, privilege neither exempts from proſecution or puniſhment, and therefore it is abſurd to ſay a member of parliament is *privileged to commit any crime*, becauſe he is not liable to be impriſoned before trial and conviction. It would not be more ſo to ſay, that he is diſcharged of his debts, becauſe his perſon cannot be arreſted while the privilege continues. And, indeed, if one is pleaſed to reflect upon the caſes to which privilege, and the effect it produces, applies, the danger muſt totally vaniſh, which leaves the

thing to ſtand upon its own grounds; and conſequently if it be proper, juſt, reaſonable, or uſeful in itſelf, the inconveniences attending it will not amount to any ſufficient objection againſt it.

I cannot ſay that A. B. will be anſwered, by my going to conſider the nature and grounds of the privilege of parliament, for he keeps at a very great diſtance from that part of the ſubject: but I ſhall take this opportunity to beſtow a very few words upon it; as I think it is either much miſunderſtood, or has been very much miſrepreſented, in ſome late animadverſions. No body ſurely can conceive that this privilege was introduced to do miſchief. That would be too groſs. And if we have any confidence in the wiſdom of our anceſtors, or any regard to the experience of ages, we muſt believe it was deſigned for ſome very good purpoſes, and that it has been productive of good effects. If we even ſuppoſe it to be attended with ſome inconveniences, we cannot have a ſtronger proof of its general expediency and neceſſity; becauſe it is the good having been found to overbalance the bad conſequences, that could only have made it be continued and ſubmitted to. It is alſo a great miſtake to imagine that the privilege of parliament is founded on any perſonal regard to the members. The perſon of peers is ſaid to be ſacred, which gives them a perpetual exemption from civil arreſts. Their dignity, and more immediate relation to the crown, which involves a particular obligation to attend upon the perſon of the ſovereign, is probably the ſource of that and the other peculiar privileges of the peerage, diſtinct from the privilege of parliament, which the members of both houſes have in common, and alike in all reſpects. The ſhare of the commons in it they derive from their election and from the quality of repreſentatives. They enjoy it not for their own ſakes, but for the ſake of their conſtituents; and a

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very little reflection will ſhew how fit it is. What might be the caſe, if, upon occaſion of any great queſtion in parliament, a ſet of bailiffs, with writs in their pockets (which any man whatever may be liable to at almoſt any hour) had it in their power to take poſſeſſion of the avenues to St. Stephen's chapel, and arreſt particular members when going to it? Or to ſuppoſe the caſe of misfortunes in trade, or otherwiſe, happening to a very worthy man, who is a member of parliament, and who, being once choſen, muſt continue ſo; would it be for the good of the public, or the ſafety of the ſtate, that an action for debt ſhould ſequeſtrate ſuch a member, perhaps one of the moſt uſeful in the houſe, or that the fear of impriſonment ſhould tempt his otherwiſe incorruptible honeſty. The perſons of members are free, becauſe they are not their own maſters, but are the ſervants of their conſtituents. They originally were forced to accept the place, and might yet, if neceſſary, be compelled to fill the office of repreſentation. The public has a right to their attendance in parliament: and the rights of the public, every body knows, prevail, in all things, over the rights of individuals, however ſacred in other reſpects. Members of parliament enjoy abſolute freedom in their bodies, that their minds may be at large; the one ſuperior to influence, while the other is above reſtraint: the deſign of it is, that the fulfilling the duties of their ſtation may not depend upon extraneous and contingent circumſtances, which ought not to interfere with an object of ſo great moment. That this is the true idea of the privilege is apparent from this, that the ſame is, by ſtatute, given to the members of convocation, when called upon by the king; it being ſuppoſed, that the buſineſs and duty they meet together for is eſſential to the public weal. And upon the ſame principle, the ſervants both of the members of par-

liament and of convocation have the benefit of privilege; becauſe their attendance and ſervice is neceſſary to their maſters. They have it from a regard to their maſters, as their maſters have it from a regard to the public, and to their conſtituents, whom they ſerve in that honourable truſt. I do not argue from a ſuppoſition of arbitrary and illegal acts of power, which might yet produce worſe effects than mere civil arreſts: I will not ſuppoſe that any ſuch thing can ever happen in this country, while our conſtitution remains entire: but every body muſt ſee this might afford a ſtrong, though a more invidious illuſtration of the neceſſity there is that the perſons of members of parliament ſhould be ſecure. I have mentioned what I apprehend to be the real principle of the privilege of parliament: and I think, whoever attends to it, muſt, without any large diſcuſſion of it, ſee that it reſts upon a ſolid foundation, and is intended for the moſt important purpoſes. When theſe, and the limitations attending it, are duly weighed, againſt any inconveniences, real or imaginary, that may follow from it, when kept within the bounds, within which the law has circumſcribed it, I am perſuaded that no thinking or impartial perſon will ſee any cauſe to wiſh it to be diminiſhed, in any degree, or upon any account; much leſs to be alarmed with it as an object of terror and ſource of danger. I imagine it muſt, on the contrary, appear to be a very valuable branch of the conſtitution, a main pillar of the independency of parliament, eſſential to the ſtrength and ſtability of that great bulwark of our rights and liberties; and that any infringment of it is an intereſting object to all true Engliſhmen. And I will add, that to endeavour, by miſrepreſentations and falſe colours, to miſlead the ignorant, or inflame the haſty, with unfavourable notions of this privilege, to me appears to be a very high indignity to

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parliament; and injurious, in a great degree to the whole realm; at the ſame time that it is more the mark of party and of prejudice, than the fruit of ſober reaſon and ſound judgment, or of good diſpoſitions.

CANDOUR.

Anecdote.

PRAY inform the public, that a great perſonage, who once filled the higheſt poſt in the law, has declared it as his opinion that Mr. Wilkes is not entitled to privilege of parliament, in caſe of his being the writer of the North Briton, No. 45. The two learned perſons who now fill the higheſt departments of that profeſſion are entirely of the ſame opinion.

Remarks upon it.

I COULD not, without the higheſt indignation, read that unſigned letter, which deſires the printer, with a great air of authority, to inform the public, that a great perſonage had declared it as his opinion, that Mr. Wilkes was not entitled to privilege of parliament in caſe of his being the writer of the North Briton, No. 45; and that the two learned perſons who now fill the higheſt departments in that profeſſion are entirely of the ſame opinion. It is ſo far lucky, that it appears to have come from ſome low hand, becauſe it is nonſenſe; as the queſtion of privilege muſt have been decided before it could appear who was the author of the North Briton, and conſequently could not depend upon that after enquiry. But no one who knows any thing of the three noble lords pointed at, can heſitate a moment to pronounce what that anonymous herald of faction

proclaims, an infolent and ſcandalous falſhood; equally diſreſpectful to thoſe great perſonages, as full of indignity to the other learned and honourable judges, for whom they always expreſs the higheſt honour and regard. Theſe great lords know well how unbecoming it would be (and indeed nothing is more unlike that character) to give judgment in a cauſe they had not heard, or to reverſe a ſentence, the grounds of which they are unacquainted with. But they are remarkable, all of them, for their prudence in avoiding to form, much more to declare opinions on diſputed points, except in judgment. Yet this ſilly fellow expects to be believed, when he takes upon him to inform the world of their opinion, as if he had been ſecretary of a meeting held to declare it; although his ignorance of what is decent and proper, which appears from his pretending to publiſh what he ought not to have revealed if it had been true, is an undeniable proof that he is below the character that could entitle him to be in company with any of them. This letter has evidently been deſigned to paſs for a miniſterial ſquib: and really if it was poſſible to ſuſpect that adminiſtration, or the friends of it, employed one to trumpet forth ſuch impertinence, contempt would be rather too ſlight a cenſure for the weakneſs of their conduct. But it ſurely cannot be; for no body, that has the moſt moderate ſhare of good ſenſe, can ſuppoſe people are ſo weak as to ſwallow down ſuch ſelf-apparent improbabilities, or to be bullied with ſuch *knock downs* of pretended authorities. Yet many will be ready to believe, that this ſame unauthentic proclamation came from a ſecretary of ſtate's office, or ſome other quarter of power; and the poor creature, who is the real author of it, and very likely meant to ſerve the miniſters by it, did not conſider what hurt his officious endeavours would really do the patrons he wanted to pleaſe.

His

His performance is really nothing leſs than an attempt to ſet the king's courts by the ears, and to make the world believe, that party has got into the tribunals of juſtice, and that ſo many of the judges are with, and ſo many againſt the miniſtry. But it is our happineſs, that thoſe days are over, in which the court had its favourites upon the benches of judgment, and new men muſt ariſe before any could be found capable of ſuch proſtitution, if it was deſired. The king who now reigns is ſo good, that he does not need it; he is ſo juſt, that he does not deſire it; and, thank God, if he did, he could not procure it. But they are either enemies or very injudicious friends of his majeſty, who can think of doing any thing that has ſo ugly an aſpect as that fooliſh paragraph that has been ſent to be put in the papers; and I wiſh it had not been inſerted. The leaſt effect it can have is to vilify and weaken government, and it may produce moſt diſagreeable conſequences.

One of the KING'S FAST FRIENDS.

Opinions of the Attorney and Solicitor relative to Mr. Wilkes.

NOtwithſtanding the many invidious inſinuations of *blunders* committed by the ſecretaries of ſtate, it is well known, that no ſtep relative to Mr. Wilkes's commitment was taken without the advice of the attorney and ſolicitor general; and that thoſe two great law officers of the crown both delivered their opinions in writing, 'that the North Briton, No. '45, was an infamous and ſeditious libel, tending 'to inflame the minds, and alienate the affections 'of the people from his majeſty, and excite them 'to traiterous inſurrections againſt his government.' It is alſo univerſally known, that they have farther declared their opinions to be, 'that the publica-

'tion of a libel, being a breach of the peace is 'not a caſe of *privilege*; and that J. W. might 'be committed to Newgate, or any other priſon, for 'the ſame upon the evidence laid before the ſecre-'taries of ſtate.'

Quere. Whether before a late determination the attorney and ſolicitor general were deemed blunderers and ignorant of the law, and their opinions not ſufficient authorities to warrant a common courſe of legal proceedings?

Pertinent obſervations on the foregoing opinions.

DOES the writer, who has furniſhed the public with a literal copy (as it ſeems intended it ſhould appear to be) of the opinion of the attorney and ſolicitor general, to the commitment of Mr. Wilkes, imagine, that a mere aſſertion of any two lawyers, however learned, or the authority of any two ſecretaries of ſtate, however able and impartial, he will choke the liberty of this country, or blind the underſtandings of people who have as good a right, and may, without being lawyers, be as capable to judge of ſome things, as the greateſt men of the profeſſion? Or does he expect, with an opinion of any lawyer, or number of lawyers, to foreſtal the judgment of a free and intelligent jury? A lawyer may know better than one that is not one, who is an heir at law, or what is the nature and title of an eſtate; or any thing of that kind, which ſtands upon certain, known, and invariable rules and forms: but does not every body know how inconſiſtent, contradictory, and uncertain, and therefore how little to be depended upon, the opinions of lawyers are, upon arbitrary, unſettled, new and nice queſtions of a mere legal nature? Does not both the bench and bar differ every day among themſelves, and with one another, on points of conſtruction and interpretation?

tation? Thoſe who have had the misfortune to have law ſuits know that to their coſt. There's not a point of law, which it is poſſible to have two opinions about, but you'll get oppoſite ones upon it, from the ableſt and the honeſteſt men at the bar: and ſometimes the judge differs from both. Shall the opinion then of an attorney and ſolicitor general, however reſpectable (and the gentlemen who now fill theſe offices are both very much ſo) be binding upon the people of England in a great conſtitutional matter, much connected with LIBERTY, and very little depending upon LAW. What law does belong to it, is law that plain men, of honeſt principles, and good ſenſe, are much better judges of than lawyers, whoſe profeſſion warps their ideas, and cramps their faculties in ſome meaſure, as their occupation confines the reach of their knowledge. And it is remarkable in general, that lawyers of all others are the worſt politicians. Upon a political queſtion therefore, or any thing that is connected with politics, they promiſe leaſt to be the beſt judges. There is a *bias of calling*, as the M. of Halifax calls it, that is unfavourable to that freedom and ingenuity of ideas, which matters of that ſort particularly require, to the right diſcuſſion of them. For my own part I ſhall freely own, they are the laſt counſellors I ſhould conſult upon ſuch an affair, as that the opinion alluded to is upon. And though in other things I ſhould pay great deference for theſe two learned gentlemen, as well as to others of eminence in the profeſſion, I ſhould really pay none at all to their opinion, as to that matter upon which the nameleſs writer, with an air of authority, ſays, they have given one in the terms he mentions. Nor can I help obſerving upon this occaſion, that there is nothing more generally remarked than this, that the ſervants of the crown have always a bias to the crown. I do not ſpeak of ſuch ſervants as have diſ-

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graced the profeſſion in days when the ſervice itſelf was but a diſhonour. Honeſt men, and good men, and in the beſt of times, have diſcovered a great deal of this. While at the bar it ſticks to them. It is very well if they can quit when they go to the bench. The opinion therefore of the attorney and ſolicitor general, is the moſt exceptionable, and (without meaning any offence to thoſe gentlemen) the leaſt proper to have been prematurely and unſeaſonably publiſhed, I am certain they never intended it ſhould. And thoſe who have taken upon them to do it, have done them no favour. If it has any impreſſion to prejudice mankind, it is an unfair uſe of it. The practice is unconſtitutional and dangerous: ſuch as I am confident no ſervant of the crown could countenance or can approve. If it has no other influence with others than it has with me, which is only to put me more upon my guard, and to ſummon a greater degree of attention, it will not do harm indeed; but it is then uſeleſs. And with many it may give unfavourable notions of thoſe who have the conduct of the crown's buſineſs, as if they meant to prejudice and prevent a fair trial.

After all, what is this opinion? An opinion which gives a certain deſcription, and affixes a certain tendency to a printed paper, from which an offence, defined by no ſtatute, and in its nature the moſt uncertain that can be, and dependant upon almoſt an infinity of circumſtances, is to be raiſed. A thing that the beſt judge, and honeſteſt man on earth, may think differently of at different times; and will always think of, more or leſs, according to his own paſſions, inclinations, circumſtances, and natural temper, as well as habits, as much as according to the object itſelf. It is hardly poſſible but men muſt be differently affected with the ſame thing, when it is of ſuch a nature. So that though any man may have a preſent opinion of it, his opinion can never be an au-

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thority with another, and will not even guide himſelf on a ſecond conſideration of the ſubject, when numberleſs new ideas, both ways, may, and probably will, caſt up to his mind. But it would be endleſs to expatiate upon a ſubject ſo fruitful of matter. Every man that has his ſenſes about him, muſt ſee reaſons innumerable why no opinion, not even of the beſt, moſt impartial, and ableſt lawyer, ought to have a deciſive weight with him; and how dangerous it is even to give the leaſt influence, ſo as to produce the idea of a leaning.—The perſon whoſe correſpondence has produced theſe reflections, has given us one pregnant proof of the uncertainty of, and hazard of truſting to the opinion of lawyers. He ſays the crown lawyers were of an opinion as to privilege different to that of the court of common pleas. Nor does any man living think, that a mere *dictum* of two gentlemen, probably without much or any ſtudy, or uſe of ſuch helps as books or authorities could give, and without the aſſiſtance of an argument, ſuch as the court I ſuppoſe had from the bar, is to be put on the level with the opinion of judges, with whom, in point of ability, ſurely the king's council will not think it any diſparagement to be compared, formed after great deliberation, and explained and inforced, as I dare ſay it was, with that ſtrength and perſpicuity, which is the diſtinguiſhed ornament of every ſpeech which that great judge makes who gave the judgment of the court of common pleas in this caſe? Do we not ſee lawyers alter their opinions every day, and hear them expreſs their ſatisfaction with judgments given in oppoſition to them? I think it is certain, that if the attorney and ſolicitor general gave any opinion, ſuch as the anonymous writer ſays they did, they muſt now be doubtful of it themſelves, when ſo great an authority ſtands againſt it. But it is not unlikely, that they have even altered their opinion, if it was at firſt

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what it is ſaid to have been. And whether it is ſo or no, I am ſure none of them will thank this volunteer, who has thought it his duty to defend their opinion, and to try to cram it down the throats of the public, as well as in the point that has been decided againſt it, as that which is yet to be judged of in its proper place, and in the legal manner; I ſay they will not thank him for the manner in which he gives his officious help. His quere is ſo rude that it ſhocks one: 'whether, before a late determination, the attorney and ſolicitor general were 'deemed blunderers and ignorant of the law; 'and their opinions not ſufficient authorities to 'warrant a common courſe of legal proceedings?' Might not one reply, is lord chief juſtice Pratt, and the other judges of the common pleas, to be deemed blunderers, becauſe they have differed from the attorney and ſolicitor general, upon a queſtion which they have had better aſſiſtance, and taken more pains to conſider of, than theſe gentlemen had opportunity or leiſure to do? I ſay ſo, ſuppoſing the attorney and ſolicitor general yet to differ from the judges, which I doubt, not from any knowledge of my own of the ſubject, for I profeſs not to underſtand it, but merely from a juſt deference to judges every way worthy of confidence and reſpect. And ſuppoſing the opinion of the attorney and ſolicitor general to be (as I verily think it is in its own place) a very high authority, muſt it overcome and weigh down a legal determination of very able judges; or be the ſole teſt of the legality or illegality of proceedings? God forbid! Proceedings may be *directed* by the opinion of the attorney and ſolicitor general; but as it is the law that muſt *warrant* them, it is the judges of the law who are to decide whether they are *legal* or not: and a legal judgment will ſtamp a quality upon proceedings, which the opinion of no lawyer

can

can take off. This gentleman's quere therefore, muſt appear to every body to be highly improper and indecent; it is diſreſpectful to judges of the moſt eminent abilities and greateſt worth; and derogatory to the honour which the perſon who is the author of it, I dare ſay, meant to do to the gentlemen who have the honour, very deſervedly, to ſerve the crown in thoſe high ſtations. It is not neceſſary, and I rather chuſe to avoid ſaying any thing as to the manner in which the gentleman introduces his account of the attorney and ſolicitor-general's opinion; which is not, I think, very delicate, in regard to the ſecretaries of ſtate. But one thing I cannot help obſerving: he ſays, no ſtep relative to Mr. Wilkes's *commitment* was taken without the advice of the attorney and ſolicitor-general. But was every ſtep relative to the *apprehenſion* of Mr. Wilkes regulated by ſuch able advice? I am ſure not. For, to be moderate, if the warrant and circumſtances which have been publiſhed, and not contradicted, under which he was firſt ſeized, be as repreſented, they are ſuch that I, for one, ſhall not believe any lawyer capable of adviſing ſuch proceedings. The ſecretaries of ſtate can, I doubt not, anſwer for themſelves. They need not, it is true, be lawyers, and it is not impoſſible for them to err in a point of law; but they may be ſuppoſed to have other advantages ſufficient to guard them againſt very egregious errors; or ſuch as are not eaſily to be reconciled with the moſt ſimple rules of regular procedure. All, however, that the public have to do with is, that the law ſhould have its fair courſe, and if that is allowed, the iſſue will be juſt. And the public, if it don't hurt its own cauſe, as it has as good a right, ſo it has no leſs chance of getting juſtice, than any private perſon has. I hope power will never protect oppreſſion;

oppreſſion; and I truſt the paſſions whether of many or few never will pervert juſtice.

PHILO THEMIS.

General Obſervations

THOSE who have any love and reſpect for his majeſty *perſonally*, and are influenced by affection and duty to him, as their ſovereign, cannot but be uneaſy when they obſerve any thing that malice itſelf could conſtrue into a reſemblance, though not a paralel of the practice of bad times. Not a few have, on that account, felt a good deal of pain from ſome very indecent (as they think) hints in the papers, as to the opinions of certain great judges, which one may be confident have no authority, though they are publiſhed with great aſſurance, but are the work of *ill-deſigning*, or *ill-judging* perſons of a low character, and tend to bring a reflection upon his majeſty's ſervice, very contrary to the true character of thoſe reſpectable perſons who have the honour to be, or to have been employed in it. There is a paragraph or two in an excellent book of a moſt eminent and worthy judge, lately publiſhed, which is much commended by thoſe who do not belong to the profeſſion, as a collection of good principles; and if any thing could be a warning to the intemperate zeal of party writers, perhaps ſome advantage might redound from laying the words of that able and honeſt judge before the authors of ſome late paragraphs that have been ſent to the papers. Mr. juſtice Foſter, in his diſcourſe upon high treaſon, has the following paſſage, which may be uſefully read by any perſon, and at any time, without regard to the particular ſubject and occaſion of it. P. 199, 'This caſe 'therefore weigheth very little, and no great regard 'hath been paid to it ever ſince.'

'And

'And perhaps ſtill leſs regard will be paid to it, 'if it be conſidered that the king, who appeareth 'to have had the ſucceſs of the proſecution much 'at heart, and took a part in it unbecom-'ing the majeſty of the crown, condeſcended to 'inſtruct his attorney-general with regard to the 'proper meaſures to be taken in the examination 'of the defendant. That the attorney, at his ma-'jeſty's command, ſubmitted to the drudgery of 'SOUNDING THE OPINIONS OF THE JUDGES, upon 'the point of law, before it was thought adviſe-'able to riſque it at an open trial. That the judges 'were to be ſifted ſeparately and ſoon, before they 'could have an opporiunity of conferring together. 'And that for this purpoſe four gentlemen of the 'profeſſion, in the ſervice of the crown, were im-'mediately diſpatched, one to each of the judges; 'Mr. Attorney himſelf undertaking to practice 'upon the chief juſtice, of whom ſome doubt was 'then entertained.

'Is it poſſible that a gentleman of Bacon's great 'talents could ſubmit to a ſervice ſo much below 'his rank and character! But he did ſubmit to it, 'and acquitted himſelf notably in it.

'AVARICE, I think, was not his ruling paſſion. 'But whenever a falſe ambition, ever reſtleſs and 'craving, overheated in purſuit of the honours 'which the crown alone can confer, happeneth to 'ſtimulate an heart otherwiſe formed for great and 'noble purſuits, it hath frequently betrayed it into 'meaſures, full as mean as avarice itſelf could have 'ſuggeſted to the wretched animals who live and 'die under her dominion. For theſe paſſions, how-'ever they may ſeem to be at variance, have ordi-'narily produced the ſame effects. Both degrade 'the man; both contract his views into the *little* 'point of ſelf-intereſt, and equally ſteel the heart

'againſt

'againſt the rebukes of conſcience, or the ſenſe of 'true honour.

'BACON having undertaken the ſervice, in-'formeth his majeſty, in a letter addreſſed to him, 'that with regard to three of the judges whom he 'nameth, he had ſmall doubt of their concurrence. "Neither, ſayeth he, am I wholly out of hope that "my lord Coke himſelf, when I have in ſome dark "manner put him in doubt that he ſhall be left "alone, will not continue ſingular." Theſe are plain, 'naked facts; they need no comment*. Every 'reader will make his own reflections upon them. 'I have but one to make in this place. This me-'thod of FORESTALLING THE JUDGMENT OF A COURT '*in a caſe* of *blood*, THEN DEPENDING, at a time 'too when the judges were removable at the plea-'ſure of the crown, doth no honour to the me-'mory of the perſons concerned in a tranſaction ſo 'inſidious and unconſtitutional; and at the ſame 'time greatly weakeneth the authority of the 'judgment.'

On Privileges of Parliament.

THE privilege of parliament, which a late affair has brought into diſpute, is in itſelf a matter of great moment; and as it is really no leſs ſo, than that the people in general ſhould not be miſled to reckon that either an invidious diſtinction, or a

*'See Bacon's letters in the 4to edition of his works '1740, Lett. 111, 112, 114, 116, 117. Others of his let-'ters ſhew that the ſame kind of intercourſe was kept up be-'tween the king and his attorney-general with regard to 'many caſes then depending in judgment; particularly in 'the caſe of one *Owen* executed for treaſonable words: in 'that of Mr. *Oliver St. John* touching the benevolence, in 'the diſputes between the courts of king's bench and chan-'cery in the caſe of the *præmunire*: and in the proceedings 'againſt the counteſs of Somerſet.'

dangerous

dangerous licence, which the wiſdom of the conſtitution has judged, and experience has proved to be in truth one of the greateſt ſecurities they have of their valuable right and liberties; I think it may be worth while to add this one obſervation upon the ſubject. Treaſon, and all other capital offences, exclude the privilege of parliament in common caſes; ſubject to the remedy by forcing a trial, which the Habeas Corpus act gives. But ſo jealous has the legiſlature always been of a power, which, if abuſed, might prove a terrible engine to garble parliament, that when it has been thought neceſſary to ſuſpend the *Habeas Corpus* act, which is never done but in ſo far as concerns impriſonments for ſuſpicion of high treaſon, or treaſonable practices, even in that caſe the meaſure which the ſafety of the ſtate makes neceſſary, is ſo far tempered with a due regard to the freedom of parliament, that there is a clauſe in the act which ſuſpends the *Habeas Corpus* act; 'That nothing 'therein ſhall be conſtrued to extend to invalidate 'the ancient rights and privileges of parliament, or 'to the impriſonment or detaining of any Member 'of either houſe of parliament, during the ſetting 'of ſuch parliament, until the matter of which he 'ſtands ſuſpected be firſt communicated to the 'houſe of which he is a member, and THE CONSENT 'OF THE SAID HOUSE OBTAINED for his commit-'ment or detaining.' This is as ſtrong a proof as can be of the legiſlature's opinion of the importance of the ſecurity of the perſons of members of parliament, *not* on their own account, *but* as neceſſary to the freedom of parliament, and eſſential to the preſervation of the rights of the people. It ſhews that it is not the privilege of the members, ſo much as it is the right of the people of England; and that the people have a right to the ſervice of the perſons they entruſt with their liberties; which

they cannot be deprived of in the inſtance of any one member, but by the CONSENT of the WHOLE. Hence it is that no member can wave his privilege, ſo as to deprive the houſe to which he belongs, of his attendance upon the ſervice of parliament: and therefore in parliamentary language it is called *not* the privilege of A. or B. *but* the privilege of THIS HOUSE, though the reſolution concerning it relates to the caſe of one ſingle member only. The check which the above clauſe puts upon the power of commitment, even when it is thought neceſſary to relax the uſual reſtraints attending it, alſo proves of what weight the legiſlature judges the very character and truſt of a member of parliament to be againſt ſuſpicions of treaſon; when even a charge of that ſort is not ſufficient to ſequeſter a member of parliament, without the previous conſent of the houſe to which he belongs, which by the communication neceſſary to be made to it, has an opportunity to judge how far it is juſt to allow the repreſentative voice of any part of the nation to be cut off or ſuſpended for a time. And it is ſtill the more remarkable, that all commitments, to which the ſuſpenſions that have been made of the effect of the Habeas Corpus act relate, muſt be by a warrant ſigned by ſix of the privy council, or by a ſecretary of ſtate. *That* of itſelf is a pretty ſtrong ſecurity againſt groundleſs impriſonment even in times of publick danger; *but* the legiſlature did not think it ſufficient to ſecure the freedom of parliament, in the perſons of the members of it. If then the ſecurity of the perſons of members of parliament is ſo GREAT an object when laid in the balance with high treaſon; what is it, or ought it to be, when oppoſed to a common commitment in order to trial for a miſdemeanor, which every ſubject may prevent, by offering bail? If privilege did not take place in that caſe, it would be to dignify a petty offence above high treaſon itſelf; and to

hazard

hazard the independency and freedom of parliament for the ſake of a trifling matter, although the moſt imminent danger of the ſtate has not been judged a reaſon ſufficient to expoſe it to any infringement. In ſhort, it would be to give a greater authority, and ſtronger effect to the warrant of every juſtice of peace, than parliament has given to a commitment by the privy council and higheſt officers of the crown.

SIBI CONSTET.

Pertinent Quotation from Grey's *Debates.*

THOUGH it may be the opinion of the beſt lawyers and moſt experienced members of parliament, that, in the late inſtance, Mr. W. had no title to privilege of his perſon; yet, I ſhould think there is another ground of complaint againſt the ſecretaries of ſtate of breach of the privilege of parliament, ſeizing and carrying away his papers in the manner that it was done. I believe it is allowed that a legal warrant may be illegally executed; and I ſhould therefore wiſh to have the opinion of the moſt knowing in parliamentary proceedings, 'whether upon ſuſpicion of his being the author of a 'ſeditious libel, it is, or it is not, a breach of the privilege of the H. of commons, to ſeize upon the 'papers of a member of that houſe without information upon oath.' And to lead any gentleman in the forming an opinion upon this point, I beg you will publiſh the following extract from Mr. Grey's debates, vol. 6. page 337.

Thurſday, December 19, 1678.

SIR John Ernley, chancellor of the Exchequer, acquainted the houſe, that he was commanded by the king to deliver this meſſuage to them.

'That his majeſty, having received information, 'that his late embaſſador in France, Mr. Montagu, 'a member of this houſe, had held ſeveral private 'conferences with the Pope's nuncio there, to the 'end that he may diſcover the truth of the matter, 'has given order for the ſeizing Mr. Montagu's 'papers.'

Mr. Powle.] No man can defend an embaſſador's having correſpondences or conferences with the Pope's nuncio. Montagu is a member of parliament; and it is an old rule, that, in treaſon, no private man, nor member's perſon, can be ſeized, before the accuſation be given in upon oath; if not, any member may be taken from parliament. I would know whether any legal information has been given againſt your member. This was a fatal caſe in the laſt king's time of ſeizing members and their papers; I hope never to ſee the like again. If a great miniſter has a quarrel againſt a gentleman, and one go and tell the king a ſtory of him to his prejudice, and his papers thereupon muſt be ſeized, I know not whether that will go. In the firſt place I would be inſtructed from Ernly, who brought the meſſage, whether there be any *legal information* againſt your member? and if there be not, then you may conſider what to do.

Sir J. Ernly] I have told you the meſſage as I received it.

Mr. Bennet] If his papers are ſeized, papers may be put into his cabinet as well as taken out.

Col. Birch] This is a mighty myſtery and the greateſt buſineſs I have heard here. I have always taken it for granted, that no member's papers can be ſeized. Forty more members papers may be ſeized at this rate and the houſe garbled, and then the game is up.

Sir Tho. Lee] I ſee there is no harm in making an addreſs to the king about this matter, 'that he 'may let the houſe know whether there is any *in-*

'*formation*

'*formation upon oath* againſt Mr. Montagu.' If there be ſuch information as the law warrants, I would ſit down under it; if not, I would look to our privileges.

Col. Titus.[I ſecond that motion; if there be no *information upon oath*, then it is a breach of privilege.

Sir Wm. Coventry] An embaſſador has nothing for his juſtification but his papers; and his neck may go for it, if he has not his papers to juſtify himſelf. I ſhould be loth to have my papers ſeized, though but for matter of reputation. I had rather have my ſhirt, than my papers taken from me.

Mr. Powle] I purſue the firſt motion to ſend to the king to know, whether the 'information be 'upon oath; and when you have this anſwer, then to conſider, whether the papers ſhall be ſeized. Elſe you give up your rights to fatal conſequences.

Mr. Vaughan] If papers are ſeized *at this rate*, a great many of your members papers may be ſeized, becauſe *ſome men* are guilty of high-treaſon.

Mr. Williams] I cannot give my opinion whether it is a breach of privilege or not, till you have the thing entirely before you. I would know what this information is againſt your member. I know by the law of England there is no diſtinction of ſtate-treaſon, felony, or breach of the peace, againſt which there is no privilege. It is not every breach of the peace a member may be ſeized upon, &c. where there is no more required than ſecurity, &c. and he ought to have the privilege of an Engliſhman. He that will be ridden, ſhall be ridden; therefore I would addreſs.

Col. Titus] If the information be upon oath, and it be neither treaſon, felony nor breach of the peace, your privilege is violated.

Sir Wm. Coventry] I am againſt the whole thing, either ſending to the king to know what the crimes

are, or whether upon oath. He may be guilty, he may be innocent; poſſibly the thing will be put farther. But to take away his armour that muſt defend him, a little thruſt will deſtroy him. The very law gives him his papers for his defence to juſtify himſelf by; his papers to be delivered out of his hands clearly away, is a very dangerous thing.

Mr. Montagu] I believe that the ſeizing my cabinet and papers was to get into their hands, ſome letters of great conſequence, that I have to produce of the deſigns of *a great miniſter of ſtate.*

Col. Titus] To ſeize papers thus is very illegal. Any man's may bé ſeized at this rate. I look upon this, as one of the wiſeſt actions the miniſters have done. Were I one of them, right or wrong, I would have ſeized Mr. Montagu's papers.

Sir John Lowther] I am of opinion that we ſhall not ſit here to-morrow; I move, therefore, to have the papers ſent for now.

Sir Henry Capel] I ſecond that motion. We know what practices have been in the late times, &c. how papers of members have been ſeized. The king has power on his ſubjects, but it is according to law. I know not what may become of us to-morrow; therefore I would have Montagu's papers brought to night.

Lord Cavendiſh and lord Ruſſel cloſed the debate for ſending for the papers; they were ſent for immediately, and among them two letters from lord Danby to Mr. Montagu were found and read to the houſe; and upon them, the houſe immediately reſolved, that there was ſufficient matter of impeachment againſt the lord treaſurer; and he was accordingly impeached.

Remarks

Remarks on the North Briton.

BEING at a friend's houſe the other day, I had the pleaſure of reading No 45. of the North Briton which has occaſioned ſo much noiſe, and brought on a moſt alarming attack on the common rights of the ſubject, as well as a violation of the privileges of parliament.

After peruſing this famous paper ſeveral times with the utmoſt attention, I could not help being aſtoniſhed at the proceedings which have happened in conſequence of its publication. When my friend put it into my hands, I expected to find the moſt outrageous inſult upon majeſty ; but judge of my ſurprize, judge, every honeſt Engliſhman, when I ſaw nothing of the kind. Inſtead of finding the lie given to my ſovereign, as the tools of the preſent miniſtry are in every news-paper aſſerting, I found him ſpoken of and treated with that reſpect and reverence which is due from a good ſubject to a good prince. Nor am I aſhamed to ſay in the midſt of the torrent, with which the miniſtry ſeem endeavouring to overwhelm the public, that I ſee nothing in that North Brition which is either treaſonable or ſeditious. I deliver my opinion in this free manner, becauſe it is the birthright of every Engliſhman to do ſo. This nation is a free nation, and I hope ever will be, in ſpite of the principles of Scotchmen and Scottiſh ariſtocracy, and every deſign of wicked miniſters, whoſe aim has been to trample on the liberty of the preſs, to prevent the people being acquainted with their meaſures.

There are two ways in which a king of England is to be looked at. In an individual ſenſe, if he is a good king (and I believe we never had one poſſeſſed of ſo many virtues as the preſent) he ought to be

ſpoke of with that truth and juſtice which are due to his perſonal merit. In two very ſtrong paſſages the North Briton has obſerved this. The words charmed me; nor is the ſentiment finer than juſt.

When we conſider the king of England in his regal capacity, we cannot, if we have any regard for our excellent conſtitution, imagine him as acting *alone*, like a deſpotic monarch, becauſe it is known, that in all the royal functions he is obliged to act by the advice of his miniſters, and in conſequence of their advice they become reſponſible to his people, if any wrongs are committed; hence ariſes the liberty of the ſubject to expreſs his abhorrence of any meaſure, becauſe it is the meaſure of the miniſter, not the ſovereign. It is likewiſe known that the ſpeech which the king pronounces to his parliament is previouſly made by the miniſter, therefore the miniſter becomes anſwerable for whatever that ſpeech contains; and it is in parliament called the ſpeech of the miniſter, and treated accordingly, not as conveying the ſentiments of the ſovereign, but the miniſtry. It therefore ought not, nay it cannot be deemed an inſult upon majeſty, to treat the ſpeech at any time as it deſerves; for if it was, it would not be ſuffered to undergo ſo many ſevere animadverſions as it frequently does, in the houſe of commons.

A freedom ſimilar to this is even allowed in deſpotic countries. How often do we ſee in the remonſtrances of the French parliament to their grand monarque, mention made of his having been *ſurprized* into ſuch a thing, which in plain Engliſh is nothing more than his having been *impoſed upon*.

On the evaſion of the writ of Habeas Corpus.

I AM ſure the notes from which the account given of lord chief juſtice Pratt's ſpeech in the affair of Mr. Wilkes, muſt not have done juſtice to that learned judge, who is remarkable for the perſpicuity with which he expreſſes himſelf on all occaſions. At leaſt I muſt own what is there ſet down, conveys no diſtinct idea to me, of the moſt intereſting part of the ſubject. Privilege of parliament concerns but a few, and it is in no great hazard of being much hurt, while the protection of it is in the hands of thoſe to whom it belongs. But liberty in general is the cauſe of every man, and the ſecurity of it cannot be too great nor too well underſtood. I wiſh, therefore, ſome of the gentlemen of the law would be ſo obliging to the public, as to give us a more perfect account of the determination upon the firſt point, which ſeems to have been agitated in the late debate. I take the liberty to make it my humble requeſt, through the channel of your paper, becauſe I have frequently obſerved very ſatisfactory ſolutions given in it of queſtions of law that are of general concern, which, in my opinion, does great honour to the generoſity and public ſpirit of the profeſſion.

I ſhould be glad to be informed if it is certainly held to be law in all caſes, that a juſtice, or any magiſtrate of the peace (and it ſeems a ſecretary of ſtate is conſidered to be no more) can, without information upon oath, or other ground, in its own nature tantamount or ſuperior, *charge* a perſon as guilty of an offence, and commit him to priſon; barely mentioning the offence in the warrant, and making what is called the *charge*, which, from what is in your paper, I underſtand to be no more than the *affirmation of the magiſtrate*, that the perſon is guilty of that particular offence named in the warrant, or the act of commitment on that account,

for

for it ſeems it don't mean the *accuſation* of any other perſon, which is ſet forth in the warrant, as the ground upon which the magiſtrate proceeds. If that be law, I cannot help apprehending the liberty of the ſubject is not ſo well ſecured, as moſt people imagine, when they talk of the Habeas Corpus act as the great bulwark of it. They tell me there is hardly any thing done, not a motion of the ſimpleſt nature heard, in any of the courts in Weſtminſter-hall, but upon an affidavit of the fact upon which it is grounded.—That one cannot have a warrant to ſearch for ſtolen goods, nor an officer of the revenue (as I am informed) a warrant to ſearch for run goods, without an information upon oath.—Nay, if an Habeas Corpus is moved for, there muſt be a copy of warrant of commitment produced, or affidavit to ſhew that it has been refuſed, and a requeſt by, or on behalf of the perſon confined, atteſted by two witneſſes. I cannot help thinking it ſtrange, if leſs be neceſſary to *reſtrain* than is required to *reſtore* liberty; or that a man's perſon ſhould be liable to be invaded, with an inferior degree of caution or formality, than is neceſſary to get acceſs to ſearch his *houſe*. I ſee it is mentioned, in theſe imperfect ſcraps put into the Gazetteer, to have been ſaid, that no magiſtrate had a right, *ex officio*, to apprehend any perſon; and I have been informed by ſome who were preſent, that my lord chief juſtice did expreſs himſelf ſomething to that purpoſe; and that he even went ſo far as to ſay, that, ſuppoſing (which he thought the ſtrongeſt caſe that could be put) that a magiſtrate knew, of his own proper knowledge, that a perſon had been guilty of an offence, he did not think it was ſufficient ground for him to commit the criminal, but that he ought rather to go and make oath of the fact before another magiſtrate, who ſhould thereupon act the *official* part, by granting a warrant to apprehend the offender, it being more

more fit that the *accuſer*, in that caſe, ſhould appear as a *witneſs*, than act as a magiſtrate. I ſhould have been apt from thence to conclude, that there was always ſomething *extrinſic* to the warrant of the magiſtrate, neceſſary to be as a legal ground for it; and of conſequence, that the magiſtrate who committed with a mere charge, ſuch as the lord chief juſtice (according to the notes in the papers) explained that word to ſignify, that is his own affirmation, that the perſon committed was guilty, acted illegally, and that his warrant was not a legal warrant. For it appears to be ſo like a commitment merely *ex officio*, that one cannot, I think, eaſily diſcover the difference, at leaſt from any thing that appears upon the face of ſuch a warrant as is ſuppoſed. But it ſeems it is otherwiſe; and there muſt be ſome diſtinction, which is not ſufficiently explained by any thing I have ſeen or heard of the argument, to make it to be underſtood by thoſe, who know as little of the law as I pretend to do, which is nothing at all. And I am certain the great and learned judge would not leave a matter of that conſequence in the dark, when pronouncing an opinion to which it was fundamental and eſſential, ſo far as I am able to judge from the nature of the queſtion in debate, and the train of the argument upon it. I dare ſay it would be very ſatisfactory to a great many, who are in the ſame ſituation with me, that is, thoſe who have no particular concern in the affair which brought on this queſtion, but are deſirous to know the real ſtate of a matter in which every man is concerned. I would therefore hope ſome kind perſon or other, will have ſo much goodneſs as to favour the public with a juſt account of it, as little mixed as poſſible with profeſſional terms or modes of ſpeech, that it may be of the general uſe it ought to be deſigned for.

I may venture to trouble you with a few other reflections upon this ſubject: but not to take too much

much of your uſeful paper from correſpondents of greater value, I conclude for the preſent.

LIBERTAS LÆSA NULLA REPARABILIS ARTE.

The ſame ſubject continued.

THE deſign of the reflections in my laſt, was to get ſuch information of the law, as might lead gentlemen to conſider how far the liberty of the ſubject is ſufficiently ſecure againſt illegal impriſonment, as the law now ſtands; and in further purſuit of the ſubject, with the ſame view I would now beg leave to obſerve, that I can very well conceive that an information upon oath ſhould not always be required in order to a commitment, for it certainly is not the only ſatisfactory and juſt ground for a warrant, and therefore I ſhould imagine cannot be the only legal one; as I hope the law agrees with common ſenſe. Evidence by writing, where the fact is capable of ſuch proof; or by examinations of witneſſes upon a general ſuſpicion; or public and immediate view, in ſome caſes, may, I ſhould take it, be a very ſufficient ground for a magiſtrate to proceed to apprehend and commit: and ſuch a commitment could not be ſaid to be merely *ex officio*, becauſe there is a ground of fact, extrinſic to the act of the magiſtrate, which puts his office into motion, and is properly the foundation of the warrant he iſſues. But I do think the office of a magiſtrate of the peace is a thing that ought to be, as it is in its nature, dormant, till it is moved by a fact, ſome how or other legally brought under the cognizance of that juriſdiction which belongs to the office. Every legal act of office ſhould require to ſupport it a party (diſtinct from the magiſtrate) to appear as the perſon who ſeeks the interpoſition of his power, or at leaſt ſomething that in its own nature can ſtand in the

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ſtead of ſuch a party; I have ſuppoſed that evidence by writing, or by examinations of witneſſes, in a caſe of general ſuſpicion, or public and immediate view, may anſwer that purpoſe, being like the demand of every body, and of the public ſecurity, the cries of which no magiſtrate ought to be deaf to, as his very office is appointed to watch over it.

I don't know how lawyers may conſider this: but to plain ſenſe I think it is pretty clear, that ſuch a *prerequiſite*, to warrant the interpoſition of a magiſtrate, by an act that reſtrains the perſonal liberty of the ſubject, which is in truth inflicting a very ſevere puniſhment of itſelf, ought to be neceſſary; becauſe it is, and muſt be, a ſecurity againſt acts of *mere power*, which will moſt likely be found to be nothing elſe than inſtances of *tyranny*. Power is enough to be in one hand; there ſhould be ſome extraneous ſpring to ſet it a going. For as tyranny is the degeneracy of power, we know from experience that nothing is more apt to degenerate than power. There is a certain love of dominion natural to mankind, which leads them to graſp at power; and the love of power gratifies itſelf by exerciſing it, which renders it very fit that reaſonable checks ſhould always controul power, to prevent an undue exerciſe of it. Upon ſuch ideas as theſe I wiſh, if it is not, that it was law, that to make an impriſonment legal, there ſhould always be ſomething beſides the warrant of commitment, and the office of the magiſtrate who grants it; ſomething upon which the warrant ſhould ſtand as its foundation. And if that was ſo, I ſhould alſo imagine that the foundation, whatever it is, ought to appear upon the face of the warrant itſelf; unleſs there is ſome good reaſon againſt it; which may be known to the gentlemen of the law, though I am ignorant of it. My reaſon for imagining it ſhould appear, is this, that if it do not (ſuppoſing it really to exiſt and to have been the cauſe of the warrants being granted) it is ſtill ſo like a commitment merely *ex officio*, which it ſeems is

not

not allowed to be legal, that I am at ſome loſs to ſee what it is that diſtinguiſhes it from one. *To be*, and *not to appear to be*, are ſo much a-kin to one another, that I would not chooſe to truſt *liberty* to all the diſtinction there is between them. It may be (and I have heard it has been) ſaid, that this would in fact be a very inſignificant check upon an arbitrary magiſtrate, becauſe, if he was diſpoſed to make an illegal commitment, he would not ſcruple to ſet forth in his warrant a ground which did not in truth exiſt, if he was not alſo obliged to ſhew it, which, it is alledged ought not be required, becauſe it might frequently be attended with inconveniences. But I muſt beg pardon not to be ſatisfied with the anſwer. A check, which has not all the force or effect one would wiſh, is ſtill better than none at all; and if a better cannot be had, it is the beſt reaſon in the world for uſing *that* you can have. I do not however ſee, that it is ſo very ineffectual a reſtraint. There are many men who will do a thing that is not legal, when the power of office is, without more, enough for the purpoſe; and yet would boggle to go that ſtep farther, however ſmall a ſtretch it may appear to be, to ſet forth the ground of the act; a mere falſity which would eaſily detect itſelf. For as the detection of the falſhood would deſtroy any pretence of excuſe to juſtify the abuſe of power; it would alſo prove the reaſon capable of it to be of ſo infamous a character, as to merit no compaſſion, nor any mitigation of the ſeveral conſequences of his oppreſſion. At the ſame time I muſt own, I do not ſee the very bad conſequences that would follow, if it was abſolutely neceſſary that the foundation of every warrant of commitment that can be produced ſhould appear with it, whether it be information upon oath, or whatever elſe it is, if it is really neceſſary to have ſuch a foundation for it. But that I will not go far into,

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becauſe I am ſenſible how little I may know of all the conſiderations proper to be had in forming a juſt opinion upon that matter. This only I ſhould obſerve, that no man ought to be an informer who is not willing to be a witneſs; and as he muſt be known when he appears at the trial, why ſhould he be hid till then? If concealment of a witneſs is the only ſecurity againſt his corruption, it is but a poor teſtimony in favour of the firſt information he gave. Honeſty is above temptation; but he that will be corrupted by one ſide, may have been by the other; and ſecreſy is more like to cover roguery, than to protect truth. Neither can proof by writings ſuffer by being diſcovered. And the law might, I ſhould hope, be ſufficient to prevent every bad conſequence that can be ſuppoſed to attend ſuch a publication of the grounds of any impriſonment, as would be ſufficient to give ſome reaſonable ſecurity that there ſhould be none altogether without cauſe. To prevent this is to favour liberty; and liberty cannot be too much favoured..

I have ſome obſervations yet left, which may take up part of another paper, if they derive as much merit to deſerve a place from the ſubject, which is ſurely worthy of the attention of the public, as nothing can be ſaid with more juſtice than,

LIBERTAS LÆSA NULLA REPARABILIS ARTE.

That ſubject concluded.

IN the two former letters, which you have laid before the public, I took the liberty to make ſome impartial and uninflamed obſervations, which I thought might lead the attention of gentlemen, who are not heated with the violence of party, to conſider how far the perſonal liberty of the ſubject

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is at preſent ſufficiently ſecured by the law as it ſtands, and groundleſs and vexatious impriſonments prevented by the checks attending commitments. I ſhall now add, that I had no doubt till lately, that an information upon oath, or ſomething equal to it, was neceſſary to ground a warrant of commitment; and one thing that led me into the error, if it is one, was my reading every day in ſome news-paper or another, of perſons being committed to priſon, by the warrants of the magiſtrates, both in town and country, as *being charged by the oath* of ſome body, with robbing, ſtealing, and ſuch like offences. This daily intelligence, which all the papers circulate, has, I dare ſay, made the ſame impreſſion upon many others that it did upon me. I hope the public in general, and the magiſtrates in particular, will now be inſtructed, with ſome degree of certainty, what is the law, or what the diſtinctions of it, if there are any, as to this matter. And if it is not ſufficiently clear what it is, or that it is what it ought not to be, I ſhall entertain hopes that gentlemen will conſider of having it amended. For as it is particular caſes that bring general laws under conſideration, it will be no novelty, if even in ſo great a matter as the ſecurity of the liberty of the ſubject, a flaw be diſcovered, when every body thought it was ſecured beyond poſſibility of danger. I have heard from thoſe who were preſent, that my lord chief juſtice Pratt, in delivering the opinion of the court upon Mr. Wilkes's caſe, ſaid, that the objection taken to the warrant of commitment that it did not bear, that it proceeded upon an information on oath, or ſome other ground of that nature, appeared to his lordſhip to have great weight, if it had been new, and the matter intire: but that it had been determined in point, in the caſe of the warrant for committing Sir William Wyndham

to

to the Tower for high treaſon; and they muſt follow that precedent. It is, at the ſame time, the only one, ſo far as I have been informed, that was mentioned to that point, upon the occaſion.

It would be in vain for me, who underſtand nothing of law, to look into that caſe: And therefore I ſhall content myſelf with believing, from what I have heard of it, that it is an authority which goes to prove, that a magiſtrate need not ſet forth in his warrant of commitment, what, or whether it proceeds upon any information, or other ground of that nature. And if this be the law, as explained in Weſtminſter-Hall, and confirmed by the late deciſion, it ſhould be conſidered, if laying authorities out of the caſe, there are found principles to ſupport it; or if it were not better to amend the law. And as I hope gentlemen, eſpecially thoſe of the legiſlature, will think of it, I ſhould be the more deſirous to hear what the gentlemen of the profeſſion have to ſay upon the ſubject, in the way of reaſon, independent of precedents; and particularly, I ſhould wiſh for a better account of the late debate and opinion upon this point, than that which was in the news-papers. I cannot however help ſaying, that if there was no other precedent than that of Sir William Wyndham's caſe, it was paying a very high deference to one ſingle deciſion, to follow it, if the principles of it were in any degree doubtful in the minds of the judges before whom the late queſtion was. I don't know what was the court, or who were the judges, that pronounced the deciſion in Sir William Wyndham's caſe; but I cannot think it would have been any indignity to them, to have had a ſingle ſolitary precedent, upon a great conſtitutional point, reviewed, or even reverſed, if found, upon getting better lights, to have been erroneous, by ſucceſſors as eminent for their learning and abilities, as diſtin-

guiſhed by their modeſty, and reſpect for thoſe who had been before them; which, perhaps, in this inſtance, was not ſo uſeful to the public, as it was ornamental to themſelves. I think queſtions of ſuch importance might well bear repeated diſcuſſions, before they came to be thoroughly ſettled. And though I have always heard that precedents make law, yet I did not imagine ſingle ones were of ſuch force. But if it is ſo, I ſhall hereafter have a greater reverence than I have ſometimes expreſſed for a doctrine which I have heard much ridiculed and complained of, that nothing ſhould be done without a precedent: a maxim that is ſometimes very troubleſome even in parliament, where precedents are not always ſo binding. Before now I thought it abſurd enough to require a precedent for what perhaps never had an example; or to give ſuch a weight to want of precedents, as would for ever have prevented any from having been made, if the rule had always been obſerved. But if one precedent is to exclude all future inveſtigation of principles, I own too much care cannot be had in making any. And to prevent further bad conſequences of the precedent of late relied upon and allowed, if it appears to be of a dangerous tendency, the legiſlature, it is to be hoped, will review the Habeas Corpus act. I own I was ſurpriſed the firſt time I read that act with attention, to find, that the ſole object of it was to give a more ſpeedy and effectual remedy for obtaining a diſcharge from illegal impriſonment, and that it did not eſtabliſh any cautions or reſtraints to prevent groundleſs and illegal commitments, which did not to me appear to come up to the rubric of the act. Prevention is in all caſes better than remedy; but eſpecially when the caſe is of that kind that no remedy can fully repair the wrong; which is certainly true as to liberty. Finding there-

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fore nothing of that ſort in the act, I concluded that the common law, or former ſtatutes, had ſufficiently ſecured againſt impriſonment, at leaſt ſo far as a proper caution in the manner and cauſe of commitment could go. In this I was daily confirmed, by what I have already mentioned, of the practice of magiſtrates requeſting information upon oath to ground warrants of commitment. And there I reſted content, having never had occaſion, on any particular account, to make further inquiry, or to get better information. What has lately happened excited my attention, and I am afraid has given me reaſon to believe the Habeas Corpus act is really defective in the particular in which it appeared to me at firſt reading to be lame, if the objection which then occured to me was not, as I thought it certainly muſt have been, obviated or removed by ſome other ſtatute, or by the courſe and practice of the law. If the thing ſtrikes others in the ſame light, it will not, I hope, paſs longer unattended to. When it is conſidered in how many, and what ſort of hands the power of commitment is lodged in this country, and the tediouſneſs even of the remedy by Habeas Corpus, for returning which for a diſtance above 100 miles the ſtatute allows twenty days, with the expence of the journey of the priſoner, which muſt be paid, and ſecurity given for the charges of the journey back, if he is remanded, and which is not the leaſt of all, the difficulty there may be to recover damages from ſome who may be guilty of falſe impriſonment: it may appear not to be unreaſonable, that as much caution ſhould be had to prevent illegal or groundleſs commitments as the public ſafety can admit of. And whether that is the caſe, if any inferior magiſtrate and juſtice of the peace has a power to commit his fellow ſubject, by a warrant bearing nothing but the magiſtrate's own

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affirmation, or charge, that the perſon is guilty, is ſubmitted to the cool, the ſober, and the ſage, who will always feel this truth,

LIBERTAS LÆSA NULLA REPARABILIS ARTE.

Queries, with their anſwers, on the conſtitutional office of king, confined to his ſpeeches to parliament.

I Imagine the reaſon why an anſwer was not given immediately to the queries which formerly appeared in the papers, and to which, as deſired, the printers have once more afforded a place, is *not* that they are *unanſwerable*, but that it has been thought, that, to all who know any thing of the conſtitution, *they anſwered themſelves*: and that in *that* view they certainly *put the affair* alluded to *in the ſtrongeſt light*. But in *condeſcenſion* to the author of them, you may *again* reprint them with theſe anſwers.

Q. 1. Whether the king perſonally preſent and ſpeaking to both houſes aſſembled in the high court of parliament, is not as fully in the exerciſe of his kingly office as when he is repreſented by a judge in Weſtminſter-Hall.

Anſwer to quere 1. The king perſonally preſent and ſpeaking to both houſes aſſembled in the high court of parliament, is *fully* in the exerciſe of his kingly office; but HE is not at all in it when he is repreſented by a judge in Weſtminſter-hall. The *conſtitutional* GOVERNMENT of the kingdom is executing itſelf, when the king's courts, not only in Weſtminſter-hall, but in the loweſt judicature in the kingdom, are diſpenſing juſtice, in the proper form and according to the laws of the land. The judges *repreſent* the king's perſon; they are veſted with *his* authority, and act in *his* name; but may act in their *own proper* perſon, and are *perſonally* and *individually* reſponſible for what they ſay or do. When the king

perſonally

perſonally preſent in *parliament*, pronounces a ſpeech with his own royal mouth from the throne; or when *any where elſe* he does the *perſonal act* of uſing his own royal hand, in the royal ſignature, or any other writing in execution of the *royal functions*, he is certainly in the exerciſe of his *kingly office*. But, by the wiſdom of *this* conſtitution, no act of the *kingly office*, whether *oral* or *graphical*, is conſidered as the *perſonal act* of the *ſovereign*; nor is or can be imputed to his majeſty *perſonally* and *individually*. All *regal* acts of *whatever kind* are the acts of the *miniſters* of the crown, by whoſe advice the king is *conſtitutionally* bound to act, and *only* can act *legally*; and *they* are *perſonally* and *individually* reſponſible for them. Nor can they protect themſelves from the conſequences of the imputation, by ſheltering themſelves under the perſonality of the king's act. The conſtitution rejects that defence. Expreſs and poſitive diſſent, and quitting the ſervice, is the only *legal* cover againſt the imputation. *Reſponſibility* is the neceſſary attendant of the *ſervice* which gives the capacity to *adviſe*. Individual ſubjects may have *political characters*, but they have no *perſon* but their *natural* one. To *that* every act which is imputable to them is aſcribed. In *that* they muſt bear the conſequences. The king, as well as other men, has his *natural* perſon; but he has a *political* one too; and in the exerciſe of the *royal functions* the *latter* abſorbs the *former*. The king's *natural* perſon the *conſtitution* hardly knows; inſomuch, that the *king* never dies, though the *ſovereign*, as well as the ſubject, obeys the laws of *mortality*. To the king's *political* perſon *only* all *regal* acts are aſcribed; and the miniſters of the crown compoſe that political perſon, much in the ſame manner, and to the ſame effect, that the individual members of a *corporation* make up the political perſon of it, which appears no where but in

the ſeal of the corporation. The lawyers ſay, the crown is a *corporation*; in the language of the conſtitution IT is a *political perſon*, ſeveral and diſtinct from the *natural* perſon of the *ſovereign*; a *real* but a ſort of *inviſible entity*, which appears no where but in the *miniſters of government*. It *acts* in the exerciſe of the *royal functions*, and moſt uſually ſpeaks by the *ſeals*. Hence it is the *maxim* of the conſtitution, that the king is not allowed to *do any thing* in his *own perſon*; nay not ſo much as to draw and ſeal the commiſſions of thoſe that are to act in his name, and under his authority. The royal ſignature *alone* does not perfect or compleat any regal act. They muſt all be counterſigned by a proper officer of ſtate, in the department to which the buſineſs they relate to belongs. It is as a neceſſary conſequence of this principle of the conſtitution, that the well known (but perhaps very generally miſunderſtood) *adage* has been received, *that the king can do no wrong*. The diſtinction is the *true* foundation of the *conſtitutional* freedom of DEBATE IN PARLIAMENT; to which nothing is more ſubject than the ſpeeches from the throne. And it is no leſs remarkable, than it is firmly eſtabliſhed, that in debating upon the king's ſpeeches, it is againſt ORDER ſo much as to mention the crown, or the name of the king, or to aſcribe the ſpeech to the king *perſonally*. The reaſon is, that the members may not be ſhackled with a falſe reſpect for the perſon of the king, or awed from ſpeaking their mind upon the ſpeech from the throne, with as much freedom as they would upon any *other miniſterial act* whatever. The diſtinction is alſo one of the chief pillars of the LIBERTY OF SPEECH without doors, and of the LIBERTY OF THE PRESS. All theſe, every one will admit, are eſſential to the preſervation of the conſtitution, and of all thoſe valuable rights and privileges which depend upon it. If the diſtinction

is

is deſtroyed, or the principle of it weakened, the conſtitution is diſſolved. There is an end of our LIBERTY; and the *moſt ſacred* guard is removed, which the wiſdom of the conſtitution has placed about the throne, to reſcue and protect the *perſon* of the *ſovereign* from, and to ſecure his enjoyment of the crown, againſt the dangerous conſequences of *illegal* acts of *power*, the exerciſe of the *royal functions*. This is effectually done, by imputing thoſe acts to *miniſters*, and levelling their effects, *not* againſt the *king but* againſt his *miniſters*, who are the truſtees of the *conſtitution*, and reſponſible for the due execution of the *regal office*. Of theſe principles this very ſhort illuſtration may be added, that, ſo far as the conſtitution can inſtruct us, there cannot be the leaſt doubt, but that the moment after the king has pronounced a ſpeech from the throne, any member of either houſe of parliament may, if the caſe deſerves it, move to addreſs the crown, deſiring his majeſty to inform them *who* adviſed him to make that ſpeech. Or, if they know the miniſter who did it, they may directly move to IMPEACH him for adviſing his majeſty to make ſuch a ſpeech. And as the ſpeech itſelf would be matter of the charge, the higheſt aggravation of it would be, that the miniſter had abuſed his ſovereign, by making the royal lips convey to the parliament and to the people of the realm, things that ought not to have come from the throne, or proceeded from the crown. There is the higheſt reaſon to believe that thoſe who know the moſt of the conſtitution, and are beſt acquainted with the hiſtory and proceedings of parliament, will aſſent to this poſition: and if it is a true one, it is thought it fully proves all that has been advanced.

Q. 2. Whether the ſpeech delivered by his majeſty from the throne, is not as much his own

ſpeech as that of the right hon. lord chief juſtice Pratt, delivering the opinion of the court of common pleas?

Anſwer to Q. 2. Agreeable to the principles mentioned, and, it is hoped, eſtabliſhed, in the anſwer to the firſt quere, and in the ſenſe and meaning thereof (but no otherwiſe) the ſpeech delivered by his majeſty from the throne, is *not at all* his *own* ſpeech. *That* of the right hon. lord chief juſtice Pratt, delivering the opinion of the court of common pleas, is his *own*, and his *only*. He is anſwerable for his ſpeech, as the whole court is for the opinion pronounced by them, to which they aſſent; and no other *is* or *can be* anſwerable, either for the opinion, or the ſpeech in which it is delivered. For every ſubject acts in his *own proper perſon*, and is *perſonally* and *individually* reſponſible for what he ſays and does. The king acts, as by nature he muſt, in his *natural* perſon; but the acts of the *royal functions* are aſcribed to his *political* perſon *only*; and his miniſtry, not himſelf, is reſponſible for *all*, even the *moſt perſonal* acts of the crown, in the *kingly office*.

Q. 3. Whether if Mr. Wilkes had told lord chief juſtice Pratt that he had proſtituted the honour of his court, that he was guilty of an infamous fallacy, and that he had endeavoured to corrupt him, his lordſhip would not have committed him to Newgate for that contempt, notwithſtanding any privilege?

Anſwer to Q. 3. If any body was to tell a lord chief juſtice, or any judge, ſitting in judgment, that he had proſtituted the honour of his court, that he was guilty of an infamous fallacy, and that he had endeavoured to corrupt him; his lordſhip, or that other judge, would, *if he did what was right*, certainly proceed *according to law*, to cenſure ſuch an indecent and criminal impertinence, and

indignity

indignity to the court. But if a perſon was to tell, and to prove to any judge, that a ſervant or officer of the court, or any other perſon, had proſtituted the honour of his court, and had impoſed upon him an infamous fallacy, in itſelf very culpable, and doubly ſo for making the judge, by deception and impoſition, utter it; and that the ſame perſon had endeavoured to corrupt him, the judge would puniſh the perſon really guilty of the wrong, and thank the perſon who detected and proved it.

Q. 4. Whether the king, lords, and commons, are the only part of magiſtracy that may be vilified, inſulted, and libelled with impunity?

Anſwer to Quere 4. The king, lords, and commons (if they were all *magiſtrates*, which they are *not*, though they be *governors*) are *not* the *only*, becauſe there is not *any* part of *magiſtracy* that may be vilified, inſulted, and libelled with impunity. But *according to the laws of this country*, no perſon can be puniſhed but for *an offence* of which he is *convicted*. The *law*, and not an *hue* and *cry*, founded in great *ignorance*, and propagated with much *malice*, determines what is *an offence*. A *legal trial* is the *only* thing that can produce *conviction*; and after *that* is the time for *puniſhment* to follow. That a trial may be *fair*, it ought to be *impartial* and *unprejudiced*. But if a man is *prejudiced* and *condemned*, before he is *judicially accuſed*, there is an end of juſtice; and all writings and ſpeeches that tend to produce that effect are dangerous and illegal, not inferior in criminality and miſchief to any offence againſt which they can be pretended to be pointed. No honeſt or humane man will be concerned in ſuch practices; and *government*, not only if it is *juſt*, but if it is *wiſe*, will be ſo far from uſing, countenancing, or encouraging them, that *it* will, to the utmoſt of its power, check, ſuppreſs, and prevent them. The *law* requires that

it

it *ſhould*, and the *honour of government* is concerned that it *do*.

THE KING HAS ABOVE HIM THE LAW (BY WHICH HE IS CONSTITUTED KING) AND THE PARLIAMENT.

An anſwer to the four fooliſh queries twice publiſhed in the papers.

1ſt. THE king ſpeaking to both houſes of parliament is fully in the exerciſe of his kingly office. Agreed?

2d. The ſpeech delivered by his majeſty is the ſpeech of the miniſter, adviſed and made by him, for which he is reſponſible; whereas lord C. J. Pratt delivering the opinion of the court of common pleas, ſtands himſelf, and all his brethren, reſponſible for that opinion?

3d. Miniſters may proſtitute the honour of royalty *contrary to the opinion of royalty itſelf.*

4th. The lords and commons, or one member of either houſe may, and *if true*, ought to declare that a king's ſpeech contains fallacy, and an addreſs may be moved to his majeſty, in conſequence, to know who adviſed it, If ſuch an aſſertion could be deemed a libel on the ſacred perſon of majeſty, it could not be advanced with impunity in either houſe, any more than it could out of parliament.

Opinion of the Craftſman concerning the king's ſpeech.

THE Craftſman, the advocate and champion formerly of thoſe who now conſtitute almoſt wholly the adminiſtration, in his No. 205. Vol. 6. has theſe words: 'as princes never ſpeak to their peo-'ple but in *form* (that is, in *royal proclamations, de-*
'*clarations,*

'*clarations*, and *ſpeeches* from the *throne)* ſo they 'ought always to calculate them in ſuch a manner, 'as to bear the *ſtricteſt examination*, and to take 'the utmoſt care, that *nothing repugnant to truth* 'be contained in them; for, otherwiſe, no com-'munications from the *throne* will have any weight 'with the *people*.' He then proceeds to quote the preamble to the 15th article of impeachment againſt the earl of Oxford, which runs thus:

'That whereas the dignity and ſupport of the '*imperial crown* of theſe realms, has, in all ages, 'greatly depended on the *wiſdom* and *truth* of the 'communications made from the *throne*, eſpecially 'in *parliament*, as the ſure and only means where-'by the kings and queens of this realm can receive 'the ſincere and faithful advice of their *people*, in 'matters of the higheſt importance, and which, by 'the fundamental laws and conſtitution of this go-'vernment, ought to be inviolably obſerved as the 'ſacred band of the duty and affection of ſubjects 'to their ſovereign. And whereas by the moſt 'antient and known laws of this kingdom, it is in-'diſpenſibly incumbent on the *great officers of the* '*ſtate*, that ſurround the *throne*, to maintain, as far 'as in them lies, the ſacredneſs of the *royal word* 'on all occaſions, it being moſt apparent, that the 'greateſt *diſhonour* to the throne, and the greateſt '*danger* to theſe kingdoms, muſt inevitably enſue, 'whenever *that fountain of truth, by wicked coun-*'*ſels*, ſhall be in any degree *corrupted*, and thereby 'loſe its *juſt* influence and *neceſſary* authority, &c. '&c. &c.'

Then follows, as I have extracted it from the article itſelf, that, 'He the ſaid Robert, &c. was 'not only wanting in the diſcharge of that duty to 'his ſovereign which became his high ſtation, by not 'adviſing againſt, and, as far as in him lay, in all 'events, by not preventing even any intimation

'from

'from the throne to the parliament, which was not 'conformable to the exacteſt truth and impartia- 'lity, but *taking advantage of his ready acceſs to her* 'majeſty, *and his exorbitant influence in her councils*, 'did *prepare, form, and concert, together with other* 'falſe *and evil counſellors, ſeveral ſpeeches and decla-* 'rations *to be made by her majeſty from the throne to* 'her *parliament, on the ſubject of the ſaid negociation* 'of *peace, and did adviſe her majeſty to make the* 'ſame *to her parliament*, &c. &c. &c.'

'By all *which wicked, treacherous and unexampled* 'evil *councils*, he the ſaid Robert, &c. did *moſt* 'baſely, *ungratefully, and ſcandalouſly abuſe the fa-* 'vour *of his royal miſtreſs, and by means of autho-* 'rity *did miſlead her parliament into groundleſs and* 'fatal *reſolutions*, &c. &c. &c.'

The principal managers of this impeachment, and who had the reputation of having drawn up the articles of it, were the late earl of Orford, then Mr. Walpole, and the preſent earl of Bath, then Mr. Pulteney. The authority of two ſuch eminent perſonages muſt be prevalent to convince the impartial, that it was ſo far from being then eſteemed an high miſdemeanor, or even any diſreſpect to the crown, that it was moſt warrantable and conſtitutional to conclude, and publicly declare, that the miniſters were always to be regarded as the authors or adviſers of the *ſpeeches* delivered from the *throne*; that the earl of Oxford was accordingly reſponſible to the *people* for making his ſovereign the publiſher of *falſehood* and *prevarication*, in the *formal exerciſe of her office*, from the throne; and that it was a proper charge of *high treaſon* to be brought againſt a miniſter, that he had endeavoured to cover his own miſmanagements, and to ſcreen himſelf, by involving his royal miſtreſs in ſuch a guilt.

It is to be hoped, therefore, that *miniſters* will never again have the inſolence to make the *regal*

character

character ſubſervient to their ſelfiſh reſentments, to their ſecurity and intereſts. Whatever *meaſures*, and whatever *conduct* they ſhall find it neceſſary to approve, let it be no more their mean and paltry artifice, to ſanctify them, by pretending that they are the *king's meaſures* and the *king's conduct*. Can they be ſo infatuated as to flatter themſelves, that the nation has forgotten how formerly, when they (being patriots) oppoſed the meaſures of the adminiſtration, right or wrong, for twenty years together, with the ſon of their king profeſſedly at their head; it was then their neceſſary and only plea for their juſtification, that they did not, nor ought to be underſtood to intend to oppoſe the crown, but the miniſter alone? They cannot ſurely, with any colour of juſtice, and with conſiſtency, refuſe to admit from the North Briton the ſame explanation of his oppoſition to the preſent miniſters, that they profeſſed and laid claim to heretofore, to palliate their own: and they muſt be forced to allow, from the quotation of the article of impeachment abovementioned, that it is no new doctrine to inſiſt that the *miniſter* is anſwerable to the *people* for the veracity of all the facts declared *officially from the throne*; and conſequently, that when the *ſpeech* ſhall depart ever ſo little from the ſtricteſt adherence to truth, it may be argued upon and expoſed, *conſtitutionally*, towards the condemnation of the miniſter, without any diminution of that reſpect, which always ſhould be paid to the crown itſelf, and which more particularly is due to the perſon of the moſt virtuous and amiable prince who now wears it.

The Craftſman, that zealous ſupporter of liberty, with whom I began, concludes another of his papers in the following words, moſt applicable to the preſent times: 'Every Engliſhman has a right, by 'our laws, to judge and debate theſe affairs; and 'I am ſure his majeſty will abhor the thoughts of

'abridging

'abridging this liberty, though *weak* and *wicked* 'men endeavour to ſcreen themſelves under the 'protection of his ſacred name,'

A LOVER OF TRUTH.

Further ſtrictures on the king's ſpeech.

DURING the adminiſtration of Sir Robert Walpole, there were ſtrong debates in the houſe of commons, on the ſubject of keeping up a large ſtanding army in time of peace. Sir Robert was in no humour of thinking to reduce the army, becauſe he very well knew the larger it was, the more commiſſions he ſhould have at his diſpoſal, and conſequently the more friends to ſupport him.

But as ſome plauſible pretext was neceſſary to ſet a face on the affair, he trumped up a ſtory which he put into the king's ſpeech, and his majeſty very gravely and unknowingly delivered it to both houſes of parliament.

His majeſty, among other things, acquainted them, he had received certain intelligence that the emperor of Germany, and the king of Spain, had concerted to invade theſe kingdoms in favour of the pretender.

As ſoon as ever the emperor's ambaſſador at our court heard of it, he wrote directly an account of it to his maſter, who very ſoon ſent him back an order to repair immediately to court, and deſire audience to the king, and to aſſure him, upon the faith and honour of a crowned head, he never had ſuch a thought or deſign.

Several leading men in the houſe, ſome of whom are ſtill living, made no ſcruple of accuſing Sir Robert with having been the occaſion of the king's uttering a falſehood; and yet neither themſelves or their papers were ever ſeized upon; nor did the king think it an inſult offered to himſelf, that they

charged

charged his miniſter with having miſinformed him; for it was thought, his majeſty was afterwards convinced of the falſehood

W. W.

The ſame ſubject continued.

IT is an eſtabliſhed doctrine in our government that the K. can do no wrong. Why ſhould it not alſo be underſtood, that the K. cannot ſpeak wrong? K—s have ſometimes been over-perſuaded by their miniſters and favourites, to take the blame of their miſconduct; but the Engliſh parliament and people have always diſregarded that ſubterfuge, and aſſerted it to be their right, to examine and to puniſh the miniſter's miſconduct. Sir R. Walpole, under all the cenſure he lay for corruption, and for the convention, and other parts of his miniſtry, conſtitutionally and nobly ſaid, 'he ſcorned to ſculk 'behind the throne, and held himſelf to be reſponſible for what was done and ſpoke in his adminiſtration.' The great ſtateſman of this age adopted the ſame ſentiment, and much is he to be commended for it; though a few ſycophants, or rather enemies to their country, endeavoured to miſrepreſent his words and his meaning.

The houſes of parliament have eſtabliſhed the doctrine of the ſpeeches from the throne, being the miniſter's; and a right view of the parliamentary debates will plainly ſhew the parliament's aſſertion and uſe of this doctrine. I would not be underſtood to aim at juſtifying indecent reflections, or any ſort of abuſe of this doctrine; but while we do enjoy the liberty of ſpeaking and writing what we think about our religion, laws, and government, (ſubject only to the judgment of the law when we exceed our bounds) to which liberty our preſent religion, laws, and government are in a great meaſure

ſure owing. I would be glad to be informed whether the people of England and Wales are bound to receive all that is delivered from the throne, or declared by proclamation, with ſilent reverence, implicit faith, approbation and ſubmiſſion? and whether it is abſolutely unlawful for individuals to talk, or to write about things which are repreſented and declared (as it is humbly underſtood) to the parliament and people, by ſpeech or proclamation? If it is not abſolutely unlawful, how far may individuals go, and no further? Where is the line to be laid? Perhaps it may, at laſt, after much diſcuſſion, be ſaid, our courts of juſtice are to judge of the propriety and impropriety of all acts, writings and ſpeeches, that concern any part or branch of the government; and to them and our juries may it ever belong.

It is a great misiortune and hardſhip upon the people to have their repreſentatives taken perſonally, and high reſentment ſhewn for their pointing out apparent defects or faults in the miniſtry or adminiſtration. If the K. though he acts directly according to the council and advice of the miniſters of the ſtate, is not to be blamed for their advice and their actions (as they are properly termed); when they are wrong, why is he to take and bear the blame of their words, as the ſpeeches and proclamations are univerſally underſtood to be ſettled by, and to be the public declarations of the council and miniſters of the ſtate, of what has been done, or is to be done, with reſpect to theſe kingdoms?

It is much to be feared, that a haughty inconſiderate favourite abuſed the confidence he was honoured with, and uſed his endeavours to ſpread ſome unconſtitutional notions of prerogative and government, where his duty to his k—g and country required far other councils; endeavours which have occaſioned the preſent miſunderſtandings, and

have

have always made a principal part of the high charges againſt former preſumptuous miniſters and favourites.

Inſtead of inſtilling ſuch notions, it was his duty to have recommended the hiſtory of our laws and government, and the writings of perſons well verſed in our conſtitution; ſuch as Cotton's treatiſe upon conſultations with reſpect to marriage, peace and war; even Hale's pleas of the crown, p. 159. Part of the good lord Clarendon's life from p. 178 to 182 of the 2d vol. Lord Bacon, Locke, Acherley's Britannic Conſtitution; and from p. 402 to 405 of the diſcourſes of a learned and good judge, who is a living honour to his country and to mankind. *For* theſe and other writers upon our government are thought to have ſhown ſufficiently;

That our government was inſtituted for the good of the governed.

That the prerogatives are only to reſpect the people, as obſerved in Shower's parliament caſes, and elſewhere; and particularly as to the prerogatives of making peace and war; that war cannot now be carried on, without the people's conſent and aſſiſtance; nor a peace made againſt their intereſt and approbation, without the miniſters being made to atone for it; of which many recent inſtances are to be found in the times of Charles II. William III. and George I. that the crown of England is a *truſt*, and the principle upon which it was created was, the—*Salus Populi*.

That the officers of the ſtate, though nominated by the crown, are the ſervants of their country, as well as of the crown, and reſponſible to their country as well as to the crown.

That the good and happy kings of England reign only in the hearts of the people,

The Godlike empire of an Engliſh king.

For what Leland wrote of the old Britiſh, (the preſent Welch language) may be ſaid of the Eng-

liſh — *amor libertatis—hæſit in linguâ, in fibris, in animo.* And when we ſpeak of the K. and people, inſtead of prerogative and ſubjection, we may with more propriety uſe the expreſſions, The power and dignity of the crown, and rights and liberties of the people, according to the titles of—our 'pe-' tition of right,' and—' bill of rights.' For our government is founded upon old northern, natural reaſons and rules,—*de minoribus, principes conſultant, de majoribus omnes*—and—*quod omnes tangit, ab omnibas tractari.*

A. Z.

The ſame ſubject continued.

THE king's ſpeech being addreſſed to the lords and commons in parliament aſſembled, theſe lords and commons in parliament aſſembled, muſt, in common ſenſe, be allowed to be the beſt, if not the only judges, of the point at preſent ſo much agitated, whether the king's ſpeech is the king's ſpeech, or his miniſter's.

Whoever looks into the parliamentary debates, will find, as often as the king's ſpeech has been debated, juſt as often the doctrine was advanced and admitted without contradiction by the members of both houſes, that the king's ſpeech was not the king's, but the miniſter's; and this not as a *fictio juris*, a fiction of law, to give freedom to the debate, but as a fundamental conſtitutional principle. The miniſter may be impeached for what the king ſays, as well as for what he does; which ſhews it not a fiction but a reality. See the following extracts from the collection of the parliamentary debates.

Extract

Extract from the late John Duke of Argyle's ſpeech, upon a motion for an addreſs to the king's ſpeech. Seſſions 4th, ſeptennial parliament, 1740.

'The king's ſpeech is always in this houſe con-
'ſidered as the ſpeech of the miniſters; and as it
'has generally been, we may expect it always will
'be, a ſhort narrative of the meaſures they have
'purſued, and a ſort of panegyrick upon every
'thing they have done; therefore we ought to be
'extremely cautious of ſaying any thing that may
'imply a tacit approbation of any thing they have
'done, or adviſed to be done.'

From lord Carteret's ſpeech on the ſame motion.

'My Lords,

'In this debate, as well as in a great many others,
'I find ſome lords are mighty apt to run into a
'miſtake, which is of the moſt miſchievous con-
'ſequence in all parliamentary inquiries. They
'cannot, or will not, diſtinguiſh between his ma-
'jeſty and his miniſters, but call all public mea-
'ſures his majeſty's meaſures; and from thence
'ſuppoſe, that thoſe who find fault with any pub-
'lic meaſure, are blaming his majeſty's conduct,
'and treſpaſſing againſt that duty and affection
'they owe to their ſovereign. This, my lords, is
'a moſt unparliamentary method of proceeding,
'for it is well known, that his majeſty's name
'ought never to be brought into any of our de-
'bates. When we take his majeſty's ſpeech into
'conſideration, though we have heard it from his
'own mouth, yet we do not conſider it as his ma-
'jeſty's ſpeech, but as the ſpeech of his miniſters.
'Though we were in our private capacity convin-
'ced, that his majeſty had ſpoke off hand, and
'without premeditation or adviſing with any of

'his miniſters, yet when we come to conſider that
'ſpeech as members of this houſe, we are to con-
'ſider it as the ſpeech of his miniſters, for while
'they continue, they are anſwerable to parliament
'for every thing the king does or ſays; and if they
'think this a hardſhip, they may eaſily avoid it,
'or get off on't, by refuſing to accept of, or by
'throwing up their employments.'

From lord T——'s ſpeech upon the motion of an addreſs to the king's ſpeech, 6 ſeſſion, 4 parliament.

'As his majeſty's ſpeech from the throne is al-
'ways in this houſe underſtood to be a ſpeech from
'the miniſters, and as our addreſs by way of anſwer
'to that ſpeech muſt conſequently be ſuppoſed an
'anſwer to the miniſters.'

From lord W——'s on the ſame motion.

'My Lords.

'If I were to conſider his majeſty's ſpeech as a
'ſpeech really framed by himſelf, and without the
'advice of any of his miniſters; but it is well
'known that in this houſe we always do, nay we
'ought to conſider his majeſty's ſpeech as the ſpeech
'of his miniſters.'

From the duke of Argyle's on the ſame motion.

'As a great man, my lords, and as good a
'judge of our conſtitution as ever ſet in this houſe,
'often gave it as his opinion, that if miniſters were
'not, they ought to be, the adviſers of every ſpeech
'the king makes from the throne, and were anſwer-
'able for every expreſſion made uſe of upon ſuch
'occaſions. Who was the author or drawer up of
'the ſpeech now under our conſideration I do not
'pretend to know; but in this houſe, my lords,
'we are not to ſay the king, we muſt ſuppoſe it his
'miniſters.'

From

From Mr. P——y's, now E. of B. on the ſame motion.

'Having ſaid thus much, I am naturally led to 'conſider ſome expreſſions, both in the ſpeech and 'motion, which I muſt own I did not at firſt hear 'without concern, and to which longer conſidera-'tion has not yet reconciled me. His majeſty 'mentions heats and animoſities: Sir, I don't know 'who drew his ſpeech up, but whoever he was, he 'ſhould have ſpared that expreſſion. I wiſh he 'had drawn a veil over the heats and animoſities 'that muſt be owned once ſubſiſted upon this head, 'for I am ſure none now ſubſiſt. Therefore, Sir, 'whoever drew up this ſpeech ſhould have ſpared 'this expreſſion.'

N. B. Here is a plain and poſitive contradiction in point of fact.

Theſe few extracts, without adding more, prove beyond a doubt, that the king's ſpeech is by parliament always conſidered as the miniſters ſpeech. On no point whatever has the ſenſe of parliament been more frequently and more explicitly declared: and the ſpeech from the throne (this foundation once laid) has been treated with all poſſible freedom, charged with all facts, as well as with falſe reaſoning. Can this be legal, conſtitutional, and decent in parliament, and every where elſe illegal, unconſtitutional, and ſeditious? Surely not. Is it the privilege of members of parliament, in parliament aſſembled, to give the lie to the ſovereign, or firſt magiſtrate, in the exerciſe of his office? Surely not. Can it be neceſſary for the freedom of debate, or can it promote the diſcovery of truth in argument, to conſider things different from what they are? Surely not. The ſpeech from the throne, therefore, is out of parliament, as well as in parliament, to all intents and purpoſes the miniſters ſpeech; and by every ſubject, until (there is a law declarative of the con-

 trary)

trary) may be legally and decently treated as ſuch. Upon the ſame principle, though the king declares war, and the king makes peace, yet both are the common topics of diſcourſe; and every one, without the leaſt ceremony, applies the epithet he thinks they deſerve. One damns the war, another curſes the peace; and in all this, no indignity is ſuſpected, much leſs intended, to be offered to the crown. By virtue of a political hocus-pocus in our moſt excellent conſtitution, the ſ——n is tranſubſtantiated into his m——r; his natural functions, it is true, I think are allowed to be his own, but for the political, *vox & preterea nihil.* Long were my poor brains puzzled to find a meaning to the eſtabliſhed univerſal received maxim, the great bulwark of the Britiſh conſtitution, THE KING CAN DO NO WRONG. But the wonderful powers of tranſubſtantiation make it all plain and eaſy. When this diſcovery was made by our great ſtateſmen I know not, I think it muſt be ſince the year 1688, for before that bleſſed æra, it is allowed on all hands our kings could do wrong, as well as the meaneſt of their ſubjects. But, however that may be, ſorry, very ſorry I am, to be obliged to adopt tranſubſtantiation into the ſtate, when we have got ſo well rid of the monſter in the church. As a good zealous proteſtant, I ſhould rejoice to be better inſtructed, and to know upon what baſis I am to reſt my belief, that the britiſh monarch is ever infallible in word and deed.

Reader, do not miſtake me for a friend to the North Briton; I abhor him, I abhor his writings; burn him I ſay and his writings, if the law will permit; and to add to the flame, toſs in the Briton and Auditor, with their hum-drum performances. But let not one jot, or one tittle of the law paſs away, that theſe wretches may be puniſhed. Till the conſtitution admits of a dictator, above all laws, e'en

ſuffer

ſuffer them to be wretched in their own worthleſsneſs. *Pro lege ſemper.*

C. D.

Ruſhworth's Collection, vol. I. page 365, anno 1626.

A remonſtrance and petition of the peers, in behalf of the earl of Arundel.

May it pleaſe your majeſty,

WE the peers of this your realm aſſembled in parliament, finding the earl of Arundel abſent from his place, that ſometimes in this parliament ſate among us, his preſence was therefore called for; but thereupon a meſſage was delivered unto us from your majeſty by the lord keeper, that the earl of Arundel was reſtrained *for a miſdemeanor which was perſonal to your majeſty*, and had no relation to matters of parliament. This meſſage occaſioned us to inquire into the acts of our anceſtors, and what in like caſes they had done, that ſo we might not err *in our dutyful reſpect to your majeſty*, and yet preſerve our right and privilege of parliament; and after diligent ſearch of all ſtories, ſtatutes and records that might inform us in this caſe, we find it to be *an undoubted right and conſtant privilege of* PARLIAMENT, that no lord of parliament, the parliament ſitting, or within the uſual times of privilege of parliament, is to be impriſoned or reſtrained, without ſentence or order of the houſe, unleſs it be for treaſon or felony, or *for refuſing to give ſurety for the peace*; and to ſatisfy ourſelves the better, we have heard all that could be alledged *by your majeſty's council learned at the law* that might any way weaken or infringe this claim of the peers: and to all that can be ſhewed or alledged, ſo full ſatisfaction

hath been given, as that ALL *the peers of parliament*, upon the queſtion made of this privilege, have *una voce*, conſented that *this is the undoubted* RIGHT *of the peers, and hath* INVIOLABLY *been enjoyed by them.*

Is this a doubt on the behalf of the commons in the reign of George the third?

Remarks on the ſcurrility thrown upon Mr. Wilkes's *private character.*

I OBSERVE that nothing has entered deeper into the late altercation about Mr. W——, than his private moral character. I am always ſorry to hear of vice and immorality, and regret much that it is ſo common amongſt fine gentlemen and people of faſhion, that I am afraid it cannot be eſteemed any great reproach among them. I have the misfortune however to follow this rule, which is certainly a very unreaſonable one, not to believe ill of any man without ſufficient evidence: and I have ſeen none offered to the public to ſupport the accuſation of ſingular immorality made in the papers againſt Mr. W——, that would not eſtabliſh the ſame charge againſt a chancellor of the exchequer, or any other gentleman of worth and honour; nor indeed am I quite ſatisfied of the right of anonymous writers to ſpread, or of news-papers to be the licenſed vehicles of private ſcandal; I even queſtion the title and powers of the public, to erect itſelf into a tribunal for ſuch a trial, or how it can give a fair one. Beſides all this, I have always a violent ſuſpicion of reports raiſed and propagated at critical ſeaſons, and for particular purpoſes; and I cannot put the higheſt value on thoſe ſcruples of virtue, which are offended with the vices of *one* man, in *particular* circumſtances, and make no complaint

of

of the faults of others, equally, if not more conſpicuous, and not inferior in kind or quality.

For all theſe reaſons, I own, what has been ſaid as to Mr. W——'s moral character, on the preſent occaſion, has made no impreſſion on me. But be it what it may, I cannot help thinking it is very foreign to the ſubject of the diſpute which he has been the occaſion of. It is, in my poor opinion, not conſiſtent with the rules of juſtice, nor even of humanity, to endeavour to create prejudices againſt a perſon, who is to be brought upon his trial for a crime he is charged with. The miſchief of impreſſions of that ſort may be very fatal, and ſo far as they have influence, thoſe who are at pains to inſtill them are certainly anſwerable for the conſequences. I have known men hanged and *ſhot*, before now, more from the effects of prejudice, and a bad opinion of their general character, than upon any proof of the particular crime they were accuſed of. But I always looked upon ſuch inſtances as very criminal murders, and that every one concerned in them had much to anſwer for.

To ſay the truth, nothing can be more abſurd, I ſhould think, than to talk of a man's *amours*, when his *politics* are in queſtion; or when he is accuſed of ſedition, to object againſt him the *genteel* vices of gallantry and ſwearing. I ſhould therefore, as one indifferent to every thing but juſtice, in what concerns the accuſation or proſecution of Mr. W——, wiſh that all that ſort of inflammatory defamation was dropt.

At the ſame time, if any good could be drawn out of the evil which I complain of, becauſe I really think it is itſelf a very great immorality, it would compenſate, in ſome degree, the miſchievous tendency of it. There has not been an act of his preſent majeſty's government more like himſelf, than the uſual proclamation he iſſued immediately upon his acceſſion,

acceſſion, againſt vice and immorality; in which he declared his royal purpoſe to diſcountenance it in all perſons, and in all ſorts, and to diſtinguiſh with the marks of his favour thoſe who ſhewed a regard to piety and virtue; and particularly expreſſed his reſolution to ſuffer none to be about his royal perſon, that were not of untainted character in that reſpect. I love the king as a pious prince, and becauſe of his ſenſe of religion, and the great regard he ſhews to decency in his own conduct. If his example was to have the influence that its own merit, independent of the authority of it, ought to give it, it would be a very happy thing for the nation. But bad as the world is, that ſame old faſhioned thing called religion, has not entirely loſt its value. One of the eminent ſervices done to his majeſty by the late miniſter, the merit of which is much inſiſted upon by the advocates for him (and with great reaſon, I think, if the fact ſupports the claim) is his care to imbibe the king with principles of religion.

I know it was expected that the effects of thoſe good principles, and of the ſame noble perſon's influence with his majeſty, would have been ſeen amongſt all ranks, in a very exact conformity to the end and deſign of the royal declaration I have alluded to. The king's loving and chriſtian ſubjects would be very ſorry, if they ſaw (a thing that can never happen in this reign) the places neareſt to his majeſty's perſon filled with men, who, if they were obliged to bring a character with them (as the ſervants of private people are expected to do) muſt have it from Arthur's or New-market, or perhaps a worſe place than either, becauſe their talents, and their merit, are beſt known in thoſe *temples of virtue.*

It is not my inclination to rake into ſcandal, nor to retail calumny, if there was room for it. But it is with pleaſure that I can deſire any body to look

up

up to the higheſt offices in the kingdom, in all departments, domeſtic and political, that he may be ſatisfied with his own eyes how entirely vice and immorality is proſcribed from the uppermoſt forms of the ſtate. No promotions, no elevations to dignities or employments, have been made in this reign, that reflect on his majeſty's amiable character for piety, for which all good men ſincerely love and honour him; none that are diſgraceful to the court, or derogatory to their profeſſions of regard for virtue, who have the greateſt ſhare of influence with his majeſty. Some remarkable inſtances of the contrary kind occurred very early after the acceſſion; and others have taken place on latter occaſions, to ſhew the *uniformity* there is, in that reſpect, in the conduct of thoſe who have had the nomination to all thoſe places. If it were otherwiſe, the appearances would be ſo contrary to the profeſſions of thoſe who have had the honour to adviſe his majeſty, and ſo oppoſite to the king's own principles, of which there can be no doubt, that no other account could have been given of it but one, which, if true, would have indeed been a moſt lamentable one; ſuch an one as none but a very ill-natured perſon could have harboured a thought of in his own breaſt, unleſs a ſincere reſpect for his majeſty, and the firmeſt opinion of his good diſpoſitions had compelled him to believe it: I mean that the king found, from the informations given him, that the ſcarcity of pure and unblemiſhed characters was ſo very great amongſt the higheſt orders in the kingdom, or that his ſervice would ſuffer ſo much by not employing ſome particular perſons, that the evil, however diſagreable to himſelf, and contrary to his declared and well known principles, as well as diſhonourable to the court, muſt, from neceſſity, have been ſubmitted to. If that had been the caſe, thoſe who did not like the thing could only have regreted it,

com-

compaſſionated his majeſty, and deplored the ſtate of virtue in the kingdom.

The *Augean ſtable* has always been cleanſed when virtue had its juſt ſway; and the ſervice has been deemed very meritorious, both in the inſtruments of ſo good a work, and in thoſe who appointed them to it. Perhaps there may have been times, when it would have been a very hazardous experiment to purge either the court or the adminiſtration, upon principles of moral virtue. Even when a depravity of manners has not been univerſal, there has appeared ſometimes a certain repugnancy between the good principles of virtue and political abilities, as well as the talents for the domeſtic functions of the royal palace; that if they had been to be made the ſtandard of qualifications for employment, a king of England would have been in great hazard of wanting both miniſters and ſervants, if the recommendation of a favourite or prime miniſter had alſo been neceſſary. In ſuch days, it was no wonder to find perſons who had no pretence to religion, and did not ſo much as affect the obſervance of the common rules of virtue, ſecretaries of ſtate, firſt lords of the treaſury, chancellors of the exchequer, ſtewards of the houſhold, comptrollers of a queen's houſhold, and even maids of honour. The court has been, in ſome periods of our hiſtory, ſo very diſſolute and profane, that if I had been then upon the ſtage, ſtrict as my principles are, I could have pretended that faſhionable vices, however odious I eſteemed them, ſhould have been a reaſonable objection to the ſupplying places with perſons of talents and abilities; eſpecially if talents and abilities had been almoſt as rare as virtue itſelf amongſt thoſe of rank and faſhion. Inconteſtable proofs, much leſs ſuſpicious, and evil reports, ſhould not, in ſo calamitous a ſtate of things, have ſtood in the way of any preferment. The rule would have been dangerous,

gerous, and none could have ſaid how extenſive its conſequences might have been. It is true it was required of old, the wife (and the ſame thing might have been of the ſervants) of Cæſar, that ſhe ſhould not only be chaſte, but even unſuſpected: but that rigidity of virtue would not ſuit every age.

It gives great ſatisfaction to the friends of virtue, that the diſcountenance which has been of late ſo remarkably given to vice, affords a good proſpect of the total reformation of the court. The promotions there, and the choice of private intimates and favourites by thoſe who have great influence there, have a powerful influence to correct the manners of thoſe who aſpire after honours and preferments. The late miniſter's private conduct, and his adminiſtration, have diſtinguiſhed themſelves in theſe reſpects; and they are the moſt indiſputable proofs he could have given, that his majeſty really did receive from him the impreſſions of religion and virtue which he moſt certainly has. The averments of the miniſter's moſt ſanguine friends, and all the evidence they have produced to maintain them, are of ſmall weight, in compariſon of ſuch clear and convincing proof, which puts the juſtice of his claim of merit upon that account beyond a poſſibility of doubt.

Theſe reflections I have often made in my own mind; and finding a great indignation expreſſed againſt Mr. W—'s ſuppoſed looſeneſs, very juſtly, I confeſs, if it had been ſeaſonably and upon good evidence, I thought it not an unfit opportunity to put others in mind that their conduct does not eſcape obſervation: and to let all know that thoſe who think impartially are equally offended with vice wherever it is found. I hope thoſe who would be the better of ſome reformation, whether they be in high rank or low life, whether in office or not in

office,

office, will correct their conduct that is culpable, that they may give weight to reproofs which they owe, or that are given by thoſe who eſpouſe their cauſe, to others who may have offended them; and that they may themſelves avoid the cenſure that they ſee is apt to fall upon ſuch as are thought to deſerve it, if not *always*, at leaſt whenever it is believed it will ſerve any particular purpoſe, to ſift into moral characters. My real wiſh is, to ſee the court pure, the adminiſtration virtuous in every ſenſe, and the whole kingdom reformed, by the force of our good laws, the influence of the royal example, and a ſalutary obedience to, as well as ſtrict obſervance and execution of the king's pious proclamation againſt vice and immorality.

AN OBSERVER, WHO LOVES THE KING, AND IS AN EQUAL ENEMY TO VICE IN ALL PERSONS, AND AT ALL TIMES.

Obſervations upon a paragraph in the papers, which was as follows.

[' We are aſſured that in a converſation, a cer-
' tain great perſonage lately declared, " I am a
" friend to liberty from ſentiment; and will ever
" protect the meaneſt of my ſubjects in their rights
" and liberties: but I am determined not to ſuffer
" any inſult with impunity, though it were offered
" to me from the greateſt. May 30, 1763."]

I CANNOT help ſaying, that indecency is come to a very extravagant pitch, when ſuch a paragraph, as that above quoted, appears in the news-papers, as I read it for the *firſt time* in the London Chronicle, publiſhing ſomething in the ſtile and form of a proclamation, by authority, " that the k— (for there can be no great perſonage
" who can ſpeak of his *ſubjects*, ſo that it is an idle

" affectation

" affectation of delicacy to deſcribe him in that way)
" had, in a converſation, lately declared, ' he is
' a friend to freedom from ſentiment, and will ever
' protect the *meaneſt* of his ſubjects in their rights
' and liberties; but is determined not to ſuffer
' any inſult, with impunity, though it were offered
' to him by the *greateſt*." I really ſuſpect very much it muſt be ſome ſecret enemy of government, and indeed of his majeſty, who could inſert ſuch a paragraph; for I am ſure if he is a friend of either, the leaſt that can be ſaid of him is, that he judges very ill. The thing which this ſuppoſed, I had almoſt called it a forged declaration, refers to, and on account of which it is inſerted, nobody can be at a loſs to know, who reads or hears any news. And is the perſon who puts it in, whoever he be, aware of the ill conſequences in a FREE COUNTRY like this, of making people think (for I am confident the thing is altogether without foundation, or has taken riſe from ſome great miſtake or miſapprehenſion) that the king debaſes himſelf ſo far as to interfere, perſonally, in legal proceedings, or even to hint, in converſations, any opinion or ſentiments about them? Declarations of kings, even in converſations, might, with ſervile and compliant judges, be very efficacious. *Royal hints*, to bad men, are very ſignificant; ſuch would even be ſwift to interpret and apply them. Juſt and good kings will therefore ever be ſcrupulouſly cautious to avoid them, in things where juſtice is concerned: much more take care not to make clear and expreſs declarations;— declarations that muſt have a meaning and deſign, and a very ſtrong one too, but at the ſame time a very bad one. It is a thing not known to be done in France, where the prince is abſolute, and the government arbitrary: and would it become the king of England, where the laws are the only meaſure of govern-

ment,

ment, and the courts of law the only place where puniſhments and all other parts of juſtice are diſpenſed? The courts of law, thank God! in this country, are ſuperior to the influence of the crown; but it would be the thing the moſt unworthy the royal dignity, and moſt inconſiſtent with the conſtitution, for the ſovereign to intimate opinions, or make declarations, about matters that are or may be the ſubject of judicial trial, eſpecially criminal matters; or to give ſo much as a hint of his inclinations; leſt it ſhould produce conſequences, which it could never, by any good king, be wiſhed they ſhould have. Does the author of that paragraph conſider (for I hope there is not a ſubject but knows it, and I know the king places the glory of his crown in it) that the ſame laws which ſecure his majeſty, and his auguſt family, in the poſſeſſion of the ſceptre, do, and are ſufficient to protect the FREE SUBJECTS of this kingdom in ALL their RIGHTS and LIBERTIES, and againſt ALL INVASIONS and ATTACKS whatever?—would ſuch a declaration as he *publiſhes*, and I indeed believe *makes*, be acceptable to, and of great eſtimation with him, becauſe he has doubted? or does he deſire to inſinuate that any body elſe now doubts of his majeſty's gracious purpoſe, and determined reſolution, to obſerve his coronation oath; by which he from his heart engaged to maintain the LAWS OF THE LAND, and to govern by them; which is the *true regal* power to protect the rights and liberties of the ſubjects, and the *only* way in which a king in this country can do it? Does he reflect that the king of England cannot himſelf *puniſh*, or cauſe to be puniſhed, ANY MAN in theſe dominions?—that it is the law, and the judges of the kingdom *only* that can do it? Does he ſuſpect that the judges will not, in all caſes, and on all occaſions, do juſtice? Would he have them conſult with the king, or the king to interfere with them, in the

duty

duty of their office? Or is he ſo ignorant, or ſo malicious, as to wiſh it may be believed by any that the king does this, in any ſhape whatever? which none who are acquainted with the king's character and diſpoſitions will believe. Does he think the king is ſo liable to inſults, that he needs, to prevent them, to declare his determination not to ſuffer them with impunity? Is he particularly afraid of inſults from the *great*, that they are marked with a note of diſtinction, in his officious, and no leſs offenſive, and ungenuine (as it muſt be) publication? Does he believe that ſuch a declaration as he pretends to promote (if it were ever made) is ſtronger, or will have a greater effect, than the laws of the land, which are ſufficient to guard the throne from every thing that can be called an inſult? Whatever be the mind of this perſon, who I do think muſt be very weak, if he is not worſe; I, and I dare ſay, all the king's good ſubjects, rejoice to think that his majeſty's princely qualities, his amiable virtues, his love of liberty, and attachment to the conſtitution, ſo well known to all the people of theſe kingdoms, that they need no information of his diſpoſitions, ſuch as this (I muſt think fictitious) declaration feigns to convey; and I ſhould hope, few of them need any monitor of their duty to ſo excellent a prince:—his own royal character, and the love of his ſubjects founded in it, are an impregnable ſecurity againſt all inſults;—and if any man is ſo mad, as well as undutiful, as to offer any, the law is ſufficient to check his inſolence, and prevent his example being followed. The LAW will have its courſe in every caſe, though the king ſhould never hear of any particular one that is or may be depending at law, and though he never ſhould open his mouth on ſuch a ſubject. And no ſpeeches nor declarations he could make, any where, or to any perſon whatever, except in

ſome place, or upon ſome occaſion, when his royal words are the voice of government (if he was ſo very ill adviſed as make any other, which I think the adviſers would deſerve to *ſuffer* for) will or can have the ſmalleſt effect whatever. It is that ſame circumſtance (THAT THEY CANNOT) however little it may ſeem to be, that is comprehenſive of the whole of ENGLISH LIBERTY: In it lies the ineſtimable bleſſing of this happy CONSTITUTION.

PHILO REGIS ET LEGIS

ON the 6th of July the king's meſſengers were brought to trial before lord chief juſtice Pratt at Guildhall in London, for unlawfully ſeizing ſeveral journeymen printers, who were *ſuſpected* (for it could be nothing more) of being concerned in printing the 45th number of the North Briton. The points contended for on the part of the crown were,

1. *The legality of the warrant.*
2. *The due execution of that warrant.*
3. *Two acts of parliament of James I. and one of George II. in the nature of a bar to the action againſt the defendants, the meſſengers*; and ſending the plaintiffs over for remedy againſt the ſecretaries of ſtate.—And the council for the crown inſiſted, that the Juries ſhould find a *Special Verdict.*

The Jury inſiſted on their right to find a GENERAL VERDICT under the direction of the court.

The chief juſtice gave his opinion that the jury could not be compelled to find a ſpecial verdict: and likewiſe his judgment and the reaſons of it, on the three points of law, viz.

1. *That the warrant was illegal.*
2. *That it was illegally executed.*

3.

3. *That the ſecretaries of ſtate were not within the acts of parliament of James I. or George II.* and conſequently that the action will lay againſt the meſſengers.

The council for the crown tendered a *bill of exceptions againſt the opinions of the lord chief juſtice on the points of law*, ready engroſſed; but which contained ſo many *impertinent narrations*, and *falſe ſtates of facts*, &c. That after many eraſures and altercations, it was agreed, that as it could not be admitted in its then form, it ſhould be ſettled with the inſpection of the council for the plaintiff.

The chief juſtice ſummed up the evidence and left the damages to the jury; who brought in a verdict againſt the Meſſengers with 300 l. and coſts.

JURYMENS NAMES, who thus bravely and honourably diſtinguiſhed themſelves, in the cauſe of liberty and Engliſhmen.

Peter Cazalet, Foreman.	John Weſkett
Richard King	Joſeph Mico
William Bond	James Randall
Thomas Dickins	Frederick Teuſh
Thomas Selwin	Peter Deſchamps
John Daniel Cottin	Benjamin Watkinſon.

May all future juries act with the ſame intrepid and impartial ſpirit, and may there never be wanting an ENGLISH judge who will hear with patience, and decide with candour.

Obſervations on the above trial.

THE cauſe will ever be *beſt* ſerved, which its advocates maintain with candour, and reſt its ſupport on the baſis of ſound reaſon and argument, *rather* than upon the chicanery of law, and thoſe mean ſubterfuges which the crafts of counſel

have deviſed, in order to counteract the fair and equal adminiſtration of juſtice. The late proceedings at Guildhall, upon the trial of the meſſengers, are a convincing proof of the truth of this axiom. After all the points, both of law and fact, which were in *debate*, had been clearly and learnedly argued on both ſides, and *that* ſhining ornament of the preſent age, *lord chief juſtice Pratt*, had in conſequence of theſe pleadings given his opinion in the moſt impartial and perſpicuous manner, a bill of exceptions, to his deciſions, was then tendered, which appeared to be fairly engroſſed on two ſkins of parchment, conſequently had been brought into court before the commencement of the trial, and afforded a convincing proof, that a reſolution was previouſly taken to object to the opinion of the judge, and the verdict of the jury, even before it *could* be known what that opinion or what the verdict might be. The defendants counſel alſo ſhewed their want of candour, by their endeavours to intimidate the jury, to bring *in* their verdict *ſpecial*, which did not paſs unnoticed; however, THEY WERE RENDERED INEFFECTUAL, BY THE STEADY PERSEVERANCE WITH WHICH THESE TWELVE WORTHY ENGLISHMEN SUPPORTED THEIR UNDOUBTED RIGHT OF FINDING A GENERAL VERDICT, ACCORDING TO THEIR CONSCIENCES, AND THE OATH THEY HAD TAKEN. A conduct which will render this unbiaſſed jury deſervedly dear to every true Engliſhman. I appeal to every impartial ſpectator, whether the defendants counſel *did* not, in the whole of their proceedings, on that memorable day, by their apparent *want* of candour, prejudice the cauſe which they meant to ſupport.

SCIPIO AFRICANUS.

Juſtum

Juſtum et tenacem propoſiti virum, non voltus inſantis tyranni mentæ quatit ſolida.

WHEN a nation once loſes its regard to *juſtice*; when they do not look upon it as ſomething venerable, holy, and inviolable; when any of them dare preſume to leſſen, affront or terrify thoſe who have the diſtribution of it in their hands; when a judge is capable of being influenced by any thing but law, or a cauſe may be recommended by any thing that is foreign to its merits, we may venture to pronounce that ſuch a nation is haſtening to its ruin.

For this reaſon the beſt law that has ever paſſed in our days, is that which ſecures our judges in the enjoyment of their offices, during their good behaviour, notwithſtanding the demiſe of the crown; and which eſtabliſhes their ſalaries during the continuance of their commiſſions.

His majeſty, in his ſpeech to the parliament on the above occaſion, was pleaſed to declare, that he looked upon the independency and uprightneſs of the judges of the land, as eſſential to the impartial adminiſtration of juſtice, as one of the beſt ſecurities to the rights and liberties of his loving ſubjects; and as moſt conducive to the honour of the crown. I dare ſay the extraordinary perſon who is poſted in one of the chief ſtations of the law, would have been the ſame if that act had never paſſed; but it is a great ſatisfaction to all honeſt men, that whilſt we ſee the greateſt ornament of the profeſſion in one of its higheſt poſts, we are ſure he cannot hurt himſelf by that aſſiduous, regular, and impartial adminiſtration of juſtice, for which he is ſo univerſally celebrated by the whole kingdom; ſuch men are to be

reckoned among the greateſt national bleſſings, and ſhould have the honour paid them whilſt they are yet living, which will not fail to crown their memory when dead.

I always rejoice when I ſee a tribunal filled with a man of an upright and inflexible temper, who in the execution of *his* country's laws, can overcome all private fear, reſentment, ſolicitation, and even pity itſelf; whatever paſſion enters into a ſentence, or deciſion, ſo far will there be in it a tincture of injuſtice: in ſhort, *juſtice* diſcards party, friendſhip, kindred, and is therefore always repreſented blind, that we may ſuppoſe her thoughts are wholly intent on the equity of a cauſe, without being diverted or prejudiced by the objects foreign to it.

By Birth an Hereditary Guardian of the Rights and Liberties of the People.

Further Remarks.

AS the public treaſury muſt undoubtedly defray the expence of the law-ſuits, and pay the damages incurred by a late proceeding, which nothing but the inſolence of office, and a tyrannical exertion of lawleſs power could have dictated to the two ſecretaries, I think the public have a right to ſpeak their ſentiments on that tranſaction, and the late deciſion relating to it.

What is become of the ancient Britiſh ſpirit and that ardent love of liberty, which formerly animated our brave anceſtors to ſhew a proper reſentment againſt thoſe, however great and dignified, who durſt trample on the immunities and privileges of a free people? I am confident, that if this illegal and daring ſtep had been taken ſome years ago, it would have been followed with the warmeſt remonſtrances to the repreſentatives of the people by

their

their conſtituents, to require their united addreſs to the throne, moſt humbly to beſeech the king to remove from his councils and preſence for ever, the men who had been guilty of ſuch a flagrant inſult on our laws, and on the liberties of their fellow ſubjects. Their plea of being warranted by precedents ought to be treated with contempt. Are a few precedents of an illegal exertion of arbitrary power to be pleaded in excuſe for men's acting in direct contradiction to Magna Charta, and the fundamental laws of the kingdom? I did not know before, that an illegal precedent would authorize a juſtice of peace to ſeize and impriſon a man, contrary to poſitive and well-known acts of parliament: and they who make ſuch pleas, muſt have a very mean opinion of the underſtandings of the people in general, or they would be aſhamed to publiſh ſuch apologies. If there have been ſo many precedents of a lawleſs exertion of power of late, it is high time they were put a ſtop to, which I make no doubt but they would have been long before this time, if the poor printers and authors, againſt whom they were made, had been able to conteſt it with thoſe who have the public purſe at command; which I wiſh, more than I can hope, they may never make uſe of to enſlave us, in more ways, and by more methods than this one: indeed thoſe ways are ſo well known, that I need only comment on two of the moſt glaring and notorious, which bid fair to become, and at no very diſtant period, the ruin of all liberty in this great and powerful nation; which liberty, nothing elſe, I may ſafely ſay, can ever ruin; and therefore they deſerve to be written in capitals, and marked on the foreheads of thoſe who ſell their votes and their country for them, *viz.* PLACES and PENSIONS.

Dr. Leighton's Caſe.

THOUGH I am going down the hill of life to the land where all things are forgotten, and have none to ſtand up in my place, and therefore perſonally have but little concern in it; yet from the love I bear to mankind in general, and to my fellow countrymen in particular, I felt a joy beyond the power of kings to give, or of any thing to excite, except an ardent love of liberty, when I received the news of the important determination, in regard to the ſecurity of the people, at Guildhall, on the from henceforwards ever memorable fifth of July; for no age has produced a determination of more general and extenſive conſequence to every free-born Engliſhman. The united thanks of the whole people are juſtly due to the gentlemen of the jury, who with ſuch invincible reſolution refuſed to find a ſpecial verdict, being determined to decide a point ſo eſſential to the ſecurity of their fellow countrymen, and not to delegate upon any pretence, that power which the conſtitution had fixed in them alone, as a jury on the cauſe. They will live in the hearts of the people of the preſent generation, and the bleſſing of poſterity will come upon them. What are the honours which adorn the moſt triumphant victor's brow? What the advantage of his moſt glaring victories, in compariſon of the honour theſe gentlemen have gained to themſelves, and the ſecurity ariſing to the people, from their conſtitutional and unbiaſſed verdict? I have conceived a love for the king from his youth up, and felt a joy on ſeeing him aſcend the throne, which perhaps none of his adulating addreſſers, nor any of the vehemently loyal writers, ever had any ſenſation of; and yet I ſhould neither fear nor

bluſh

bluſh to ſay before him, that I have a ſtill higher affection for the whole collective body of the people. Nature, reaſon, religion, and the conſtitution, will all juſtify me in ſaying this; and from the high opinion I have entertained of his virtues and goodneſs, I ſhould think even his majeſty himſelf would applaud it. And it may well be ſuppoſed, that as his majeſty is, according to the expreſſions that have been made uſe of in the public papers, a friend to freedom from ſentiment, he muſt feel no ſmall pleaſure from ſeeing the freedom of his ſubjects receive an additional ſecurity in his reign, which may ſecure them from the oppreſſion and tyrannical power of any who may come after him, and who may chance not to have that moderation and mildneſs, that love of juſtice and regard for his people which he has. I have read of a king or governor, who, upon ſomething of a ſimilar occaſion, thanked heaven that he ſaw his ſubjects freedom perfected. Kings can never be hurt by the freedom of their ſubjects, becauſe the more freedom they have, the more they will love their kings, as freedom is innately conſidered by all mankind as the greateſt bleſſing; and government will be more effectual, as the obedience is more voluntary; and there is no fear of its degenerating into tyranny. Nor is there perhaps one ſingle inſtance in all hiſtory, of a people failing in their duty and regard to their king from their enjoyments of freedom, but many, very many fatal ones of their doing ſo from its being infringed. On the contrary, the people may, nay, they certainly will, one way or other, be greatly hurt by power being left unreſtrained. The hiſtory of every nation teſtifies this, alas! too much. I will give only one inſtance out of our own hiſtory, and not far beyond our memory. The rev. Dr. Leighton, in king Charles the firſt's time, having publiſhed a book called 'Zion's Plea

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'againſt prelacy,' he was ſoon after, without any information upon oath, or any proof that he was the writer of the book, arreſted by two high commiſſion purſuivants, as he was coming out of Black-Friar's church from hearing a ſermon, and with a multitude of ſtaves and bills they dragged him to the houſe of Dr. Laud, then the biſhop of London. In the biſhop of London's houſe he was impriſoned, and a ſtrong guard ſet over him; there he was kept without food 'till ſeven in the evening, when Dr. Laud, and Dr. Corbet, biſhop of Oxford, came with a great number of attendants. Dr. Leighton then demanded an hearing; but inſtead of that the goaler of Newgate was ſent for, who came with a ſtrong power of halberts and ſtaves, and clapping Dr. Leighton in irons, they carried him through a blind ſubterraneous paſſage into Newgate, where they thruſt him into a loneſom dog-hole full of rats and mice, which had no light, but what came through a little grate. There, the roof being uncovered, the ſnow and rain beat in upon him. He had no bedding, nor any place to make a fire, but the ruins of an old ſmokey chimney. There he was kept without meat or drink from Tueſday night to Thurſday noon. In that doleful place and condition was he kept cloſe, with two doors faſtened upon him, for the ſpace of fifteen weeks. And ſo long they ſuffered no friend to come near him. But after fifteen weeks, his wife, and ſhe alone, gained admittance. On the fourth day after his commitment, the high commiſſion purſuivants went to his houſe, under pretence of ſearching for jeſuits books. There, theſe ſons of plunder, laid hold of his diſtreſſed wife, and uſed her with ſuch barbarous inhumanity and indecency, as it is a ſhame to expreſs. They rifled every perſon in the houſe, and held a piſtol to the breaſt of a boy of five years of age, threatening to ſhoot him,

him, if he would not tell where the books were, which ſo affrighted the poor child, that he never recovered it all his days. They broke open preſſes, cheſts and boxes, and deſtroyed every thing at pleaſure. They robbed the doctor's houſe, and carried off all the books and manuſcripts they could find. They likewiſe carried away his houſhold ſtuff, apparel, and other things, leaving nothing which they had a mind to have. At the end of fifteen weeks, or ſomething more, he was brought into the ſtar chamber court, and required to put in an anſwer to a long invective, called an information; which he did to the ſatisfaction of all unprejudiced perſons. He owned the writing the book, but ſaid that it was done with no ill intention; his deſign being only to lay theſe things before the next parliament, for their conſideration. Things were carried with ſo high an hand, that no council dared to plead for him, nor any body to appear in his behalf. It is ſuppoſed, upon good grounds, that poiſon was given to him in Newgate; for his hair and his ſkin came off in a diſtemper, which was attended with loathſom ſymptoms. But notwithſtanding a certificate was given under the hand of four phyſicians, and an affidavit made by an attorney, that his diſeaſe was deſperate, and it was unfit to bring him into court; yet nothing would ſerve biſhop Laud, but in the midſt of that deſperate diſorder, and great diſtreſs, the following ſentence was paſſed upon him, though abſent; and that court unanimouſly decreed, June 4, 1630, 'That Dr. Leighton ſhould be committed to the 'priſon of the Fleet for life, and pay a fine of '10,000l. (though they knew he was not worth ſo 'much) that the high commiſſion ſhould degrade 'him from his miniſtry, and that then he ſhould 'be brought to the pillory at Weſtminſter, while 'the court was ſitting, and be whipped; after

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'whipping, be ſet upon the pillory, and have one 'of his ears cut off, one ſide of his noſe ſlit, and 'be branded in the face; that then he ſhould be 'carried back to priſon, and after a few days, be 'pilloried again in Cheapſide, and be there like-'wiſe whipped, and have the other ſide of his noſe 'ſlit, and his other ear cut off, and then be ſhut 'up in cloſe priſon for the remainder of his life.' Biſhop Laud pulled off his cap when this horrible ſentence was pronounced, and gave God thanks for it.

Nov. 26, part of the ſentence was executed upon him, and that in a moſt tremendous manner, the hangman having been plied with ſtrong drink all the night before, and likewiſe threatened if he did not execute the ſentence in a cruel manner. When he came to the place of execution, beſides other torments, his hands were tied to a ſtake, where he received thirty-ſix ſtripes on his naked back with a triple cord, every laſh whereof brought away the fleſh. Then he was ſet in the pillory, in which he ſtood almoſt two hours in cold froſt and ſnow. While he was in the pillory, one of his ears was cut off, one of his noſtrils ſlit, and one cheek branded with a red-hot iron, with the letters S. S. (a ſower of ſedition.) After that, he was remanded to priſon; and the next cruel handling of him, we may take in the words of biſhop Laud, who hath recorded it in his diary, as well as the foregoing treatment. 'On that day ſe'nnight his ſores upon 'his back, ears, noſe, and face, being not yet 'cured, he was whipped again at the pillory in 'Cheapſide; and had the remainder of his ſentence 'executed upon him, by cutting off the other ear, 'ſlitting the other ſide of his noſe, and branding 'the other cheek.' Being by this terrible ſuffering rendered unable to walk, they would not ſuffer him to be carried back to the Fleet in a coach, but hur-

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ried him away by water. In the Fleet he went through much harſh and cruel uſage for the ſpace of eight years; ſo that when he was afterwards releaſed from it by the parliament, he could hardly walk, ſee, or hear. This, not to mention many other inſtances, which might be brought, may ſhew how very jealous the people ought to be, and how abſolutely neceſſary it is, that they ſhould preſerve unviolated in any ſhape whatever, that ſecurity of their perſons and property which they have a right to by Magna Charta, that no freeman may be apprehended or impriſoned, nor ſentence paſſed upon him, 'but by the lawful judgment of his peers, or 'by the law of the land.' If apprehenſions and impriſonments once come to be practiced in any other way than by the law of the land, and any other trial allowed of but by juries, giving their own verdict, as they ought to do, and not what is called a ſpecial verdict, every man will be ſubject to the like illegal impriſonment and inhuman treatment, as the unhappy Dr. Leighton experienced. The very thought of it ſhudders one's blood, and is ſufficient to keep awake every Engliſhman to preſerve that ineſtimable privilege of 'no ap-'prehenſion and commitment, but by the law of 'the land,' and 'of no trial but by jury,' or 'the 'lawful judgment of our peers.' Which God grant may be ſecured to our very lateſt poſterity.

A LOVER OF LIBERTY.

IN a late news-paper I read the following paragraph; 'the rev. Mr. Entick, Mr. Arthur 'Beardmore and his clerk, and meſſrs. Wilſon and 'Fell, have given notice to the earl of Halifax, in 'purſuance of the act of parliament of the 24th of 'the late king, that they ſhall bring their ſeveral 'actions againſt his lordſhip and the meſſengers for

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'their impriſonment, on account of the ſeveral 'numbers of the Monitor, concerning which no 'proſecutions having been carried on, their ſeveral 'recognizances were, by the court of King's Bench, 'diſcharged the laſt day of laſt term.' Mr. printer, my heart leaped within me, my eyes ſwam in tears of joy at reading thoſe glorious words; I felt all the exultation of being an Engliſhman. Where, cried I to my heart, where is the ſpot upon earth, except in theſe iſlands, in which the loweſt of mankind is ſecure of juſtice, as much as the higheſt? Where elſe dare the pooreſt man ſend word to a miniſter that he intends to call him to account for tyranny and oppreſſion? O Britannia, divine region of liberty, mayſt thou ever be thus free! may the haughtieſt grandee tremble to injure the meaneſt of thy ſons; may thy beggars walk as ſecure from the clutches of power, as the nobleman in ermine! while thy laws are ſacred, and juſtice raiſes her ſword at the firſt cry of the poor, 'tis more glorious to want bread in the ſtreets, than to be pampered in any other country. Gods! who can reflect a moment, and not be tranſported to be an Engliſhman! Think what aſtoniſhment the above paragraph would create in a Spaniard or a Frenchman! what! they would cry, an obſcure wretch, a printer, a curate or his clerk, dare to give notice to a ſecretary of ſtate, that they intend to call him to account! Is it poſſible? have you no baſtile, no gallies, to puniſh ſuch inſolence? No, no, we have the full enjoyment of all the rights to which as men we are entitled. The good ſenſe and the ſpirit of our anceſtors told them that rank, birth, and fortune, make no difference in human nature. Engliſhmen, of former days, never conceived that accidents of birth or riches gave one man a right to injure another; they held that affluence and comforts were ſufficient for lords; that it was not reaſonable to give them power too over their fellow creatures. Theſe wiſe law-givers

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did not apprehend that poverty was not a ſufficient evil, without adding ſlavery to it. On the contrary, they ſecured to the poor the bleſſing of liberty, which can ſweeten every hardſhip. Yes, poor of England, though riches, honours, palaces, equipages, are not your's, LIBERTY is; O preſerve it inviolate! Loath, abhor, ſhun the wretches, who would wreſt the invaluable treaſure from you: mix not with Tories, thoſe apes of foreign ſlavery: drive them from your corporations and your clubs; refuſe them your votes at every election. If once they get the aſcendant, you will no longer have *the unparalleled privilege of ſending notice to a ſecretary of ſtate that you will proſecute him if he oppreſſes you.*

JOHN.

Fons etiam rivo dare nomen idoneus. HOR.

An old manuſcript fell into my hands the other day, in which I met with the following reflections.

'FAVOURITISM is of itſelf an unſuperable 'objection to the power of which it is the baſis, 'being the moſt odious title *any* perſon can have to 'be a miniſter in *any* country. So far is it from 'making up for the want of other precautions, 'that it would, alone, deſtroy the beſt. It will 'not be ſubmitted to in a free country, and has 'never failed to be the ruin of the favourite himſelf, at the ſame time that it is one of the moſt 'dangerous rocks a prince can touch. It tends to 'convulſe a ſtate; and the firmeſt governments 'have been ſhaken by its dreadful conſequences. 'As it attacks the ſovereign's regard to one man, 'it of courſe cools and may alienate the affection 'of other ſubjects. It engroſſes the royal confidence, and conſequently deprives the crown of

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'the assistance of able and faithful counsellors; 'none being suffered to continue in that post, or 'at least to perform the functions of it, but such as 'are ready to echo the sentiments of the *favourite*. 'If any were to differ with him, it would only pro-'duce perpetual jars and dissention, and expose 'their opinions, however just and well founded, to 'contempt and rejection, as the *favourite*'s must 'always prevail. It converts the will of the prince 'into a mere copy of the *favourite*'s inclinations. 'The ascendant is so strong, that the prince does 'not know his own mind; he loses his own thoughts 'among the impressions he is continually receiving 'from the *favourite*; and the better the disposi-'tions of the prince are, the evil is the greater, 'because he will be the more diffident of his 'own judgment, though the best of the two, and 'entirely surrendered to that on which he has 'so strong an reliance. FAVOURITISM monopo-'lizes the favours of the crown to the *favourite*, 'his connections, dependents, and adherents, whose '*receiving* must be a very strong presumption of 'their *not deserving* them. It exposes to the effects 'of the *favourite*'s resentment, all those who have 'the spirit to resist and oppose him, and all their 'friends, from the highest to the lowest. The 'power of the crown is debased and perverted to 'be the instrument of this resentment, in a manner 'inconsistent with the honour of majesty, and dan-'gerous to the peace and quiet of government. 'Every one is turned out of place in office who will 'not bow to the shrine of the *favourite*, that his re-'sentment may be gratified, and his sycophants 'provided for. *Favouritism* is the natural parent 'of envy and jealousy in the leading men of a coun-'try; and their disinclinations and aversions must 'necessarily spread through all orders, and to the 'remotest corner of the kingdom; the least effect

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'to be expected from which, is an universal mur-
'mur and discontent. It obscures the lustre of the
'crown, and diminishes the royal dignity by setting
'up an idol, the false worship of which withdraws
'the veneration and respect due to the sovereign.
'It raises a competitor for that honour and duty
'that ought to be sacred to the person of majesty.
'For the *favourite*, the base, the servile, and com-
'pliant, will pay their adulation, while those who
'will not renounce their own dignity, retire from
'court, finding they cannot stand there upon that
'footing, which their rank and character, their loyalty
'and love of the king, entitle them to maintain.
'FAVOURITISM unkings the sovereign, and, in
'reality, places a subject, more than probably one
'of the unworthiest, upon the throne, into whose
'hand all the substantial power of the crown is put,
'and nothing but the shadow and trappings of roy-
'alty left to attend the sceptre. The prince who is
'ruled by a *favourite*, is in chains of his own mak-
'ing; and the servitude is destructive of its own
'relief, as it excludes those who might be able to
'knock the fetters off. FAVOURITISM gives the
'king a master instead of a servant; it makes the
'creature of his own power independent of him-
'self; and raises a minion to an inglorious pre-
'eminence, which tends to put him above the
'laws, and beyond the reach of the justice of his
'country, to offend against which his situation en-
'courages him, being the most powerful protection
'against their effects. There never was a *favourite*
'who did not injure his country; and the vile friends
'he is able to make for himself, by the sole dispo-
'sition of the royal favours, will adhere to him
'while his power continues; and, for their own
'sakes, try to support him against the cries of the
'people, while the injudicious *friendship* of the mis-
'guided prince endeavours to cover him from the

'vengeance of an offended nation. This muſt pro-
'duce convulſions in the ſtate, and, if the king-
'dom is devoted to ſuch a fatal ſtroke, may un-
'hinge the very frame of the government. Who
'can ſay what may not be the conſequence of *fa-*
'*vouritiſm* deeply rooted, and obſtinately main-
'tained? There are none ſo bad, but examples of
'them are to be found in the hiſtory of England,
'which proves the above picture not to be ima-
'ginary or overſtretched. FAVOURITES have done
'more miſchief than the greateſt and beſt ſervices
'of the moſt able and faithful miniſters could re-
'pair, or the moſt zealous endeavours of the ho-
'neſteſt patriots prevent.' A. O.

Lord chief juſtice Pratt, and the common council of the city of London, vindicated from ſome abuſe thrown upon them in the miniſterial pamphlets.

WHEN an undiſtinguiſhing warrant was iſſued for ſeizing the authors, printers, and publiſhers, without caution, limitation, or reſtraint, and this unprecedented order not founded on any information on oath, but on meer vague ſuſpicions; when by this means, more than twenty innocent perſons were deprived of their liberty, and from which no perſon was ſecure: when theſe injured people, in juſtice to themſelves, and for the better ſecurity of our liberty in the future, ſought redreſs by legal and decent methods, it was then that the chief juſtice of the common pleas, by his impartiality, candor, and ability, by his faithfully doing his duty to the KING and the SUBJECTS, gained the high opinion and eſteem of all good men and friends to liberty. The common council, to ſhew their zeal in ſo CONSTITUTIONAL a cauſe, and their approbation of the upright, and able conduct of ſo excellent

excellent a judge, gave him their freedom: and desired his picture might be added to those worthy judges that ornament their Guild-hall. Can this be deemed faction? Can it be called a bad action to applaud merit? Or is there *a man* in the world, *so mean, so base*, as to think himself *injured* by the *just applause* given to *another?*

The public and private character of the chief justice of the common pleas, will equally stand the test; his zeal and affection for the illustrious house of Hanover, and the principles of the revolution, have NEVER been called IN QUESTION. If it was proved, that in point of privilege, he was wrong (and the better opinion seems to be he was right) yet, I say, if it was otherwise, he had the unanimous concurrence of his three very learned brothers, and of course, is not personally culpable; and if four out of twelve had declared, and two more were known to be of the same opinion, it will sufficiently justify the determination. At the trials of the messengers for false imprisonment of the journeymen printers, he used his utmost endeavour to prevent exorbitant damages; and, it is certain, if he had not, they would have been much greater. In private life his character stands unimpeached, even by the malevolence of this period. In private friendship, and that noblest of human virtues, gratitude, it is confessedly above the generality of mankind; for he so far sacrificed his private interest, as to refuse the most lucrative office in his profession when offered him, in preference to his friend and patron. His ability and integrity, when an advocate, are only equalled by his justice, candor, and legal knowledge, when in the high, and exalted station of a chief justice. For the amiableness of his behaviour, as a judge and a gentleman, I appeal to every circuit he has gone, and to every person that has done business under him.

This is the able and amiable officer of the ſtate, who at preſent engages the attention of the malevolent, of the tools of power, of thoſe infamous wretched proſtitutes, who look, talk, and pretend to think, as their pay-maſters direct them; who abuſe the virtuous, and applaud the infamous, as their private intereſt dictate.

An anecdote much to the honour of the church.

THE moſt contemptible of the human ſpecies, are temporizers; wretches, who look, ſpeak, and act, in ſtrict conformity to the times; are rigid chriſtians, when well paid for it, and will deny their God for reward: whigs or tories; revolutioniſts or jacobites; turning like the well poiſed weathercock, with the leaſt gale of preferment; and whoſe prevailing principle, is ſubſervience to office. But if, among theſe miſcreants, there is a ſuperiority of infamy, it is to thoſe eccleſiaſtics, who proſtitute the pulpit to the private views and intrigues of a weak and wicked miniſtry. It is thoſe eccleſiaſtics, who inſtead of teaching their audience their duty to God and man, make their diſcourſes the vehicles of the baſeſt of ſtate doctrines, and the channel of abuſe of thoſe diſintereſted patriots, who prefer the real intereſt of their king and country to their own private emolument.

A few Sundays ago, I accidentally walked into one of the firſt places of worſhip in this metropolis, expecting to be inſtructed in my duty, but, to my great ſurpriſe, found that the preſent party feuds had excluded chriſtianity, and the whole attention of the preacher was employed in invalidating the merit of the oppoſition by abuſing an oppreſſed man, condemning him UNHEARD, and inſinuating, that his crimes entailed infamy on the whole party. He divided his diſcourſe into three parts; the firſt againſt

againſt blaſphemy; the ſecond on the heinouſneſs of inſulting the king; and the third on a more delicate point, with which the public could have little concern, that of his private behaviour to his wife.

That each of theſe is a great crime, I will readily allow; but in proportion to the enormity of the crimes, every honeſt man would be more than ordinary cautious of prejudicing mankind againſt a ſuppoſed criminal, who was ſoon to be brought to trial. The aſſize preacher at Oxford, who preached againſt parricide, the day the unfortunate Miſs Blandy was to be tried, ſo incenſed the people againſt the miſerable, unheard culprit, that innocent or guilty, ſhe was devoted to deſtruction, was univerſally cenſured by every man who regarded juſtice. It is a maxim in law, conſiſtent with the ſtricteſt juſtice and good ſenſe, that every perſon ſhould be ſuppoſed innocent till found otherwiſe by his peers; and a man muſt be void of chriſtianity, humanity, decency, and common regard to the laws of his country, who could endeavour to incenſe a body of people againſt a perſon, who was in a ſhort time to come before the tribunal of juſtice, and, perhaps, thoſe very people to be his judges.

But what a horrid aggravation muſt it be to the crimes of ſuch a time-ſerving preacher, if he knew that the perſon, he was for reward abuſing, was abſolutely innocent of the blaſphemy; that the work referred to was wrote by a ſon of the church; and that the whole crime of the perſon he proſtituted the pulpit to abuſe, was, keeping that, at the deſire of a deceaſed friend, which his regard to the living ought to have made him commit to the flames! keeping for the entertainment of a ſet of JEMMY twitchers, what the twitchers are making the inſtrument of his deſtruction.

The ſecond objection ſo artfully uſed to preju dice mankind againſt this perſon, whoſe zeal for liberty has made him ſuſpected of going indecent lengths in oppoſition to the ſervants of the crown, is a matter to be tried; and therefore, the contraſt, who is equally zealous for the royal prerogative, and the juſt liberties of the ſubject, will leave this to be debated before, and determined by, the proper judges, a free and impartial ENGLISH JURY.

The meanly taking an opportunity in a public pulpit to declaim againſt a man for private tranſactions, ſetting him in the moſt obnoxious light for his behaviour to his wife, when the preacher is intirely ignorant of the fact, and does not know whether the ſeparation was obtained by the intereſted ſchemes, and baſe intrigues of a few peeviſh, old, ill-natured relations, as is often the caſe, is what ill becomes a chriſtian preacher, a gentleman, a man of honour, or a man of common honeſty.

I own the preſent malevolence of the people in power to their opponents is a very alarming circumſtance; the little paultry arts made uſe of by their emiſſaries to prejudice mankind againſt thoſe who are ſuppoſed to be the champions of liberty, is what ought to put every friend of our conſtitution on his guard, not to give credit to what is reported, without being better ſupported than by the meer aſſertions of an intereſted party; who, with one hand, ſupport the moſt abandoned and profligate that ever diſgraced a free country, and with the other declaim againſt vice in an individual, whoſe principal crimes, and moſt ſuſpicious part of his character, is, being once the beloved friend and companion of theſe hypocritical wretches.

Whatever are the crimes of either party, I ſincerely wiſh they may be puniſhed with that proper and decent ſeverity that is conſiſtent with our laws; but

but it muſt give the greateſt pain to every man of integrity to ſee the laws ſtrained to puniſh one ſet of men, while another is tolerated and protected in crimes ten times more enormous.

To Mr. Kidgel, preacher of St. John's Berkeley ſquare, chaplain to the earl of March and Ruglin, rector of Horne in Surry, and AUTHOR of a MALICIOUS NARRATIVE.

That I may not offend you by dropping a title which in great humility you have given yourſelf I will begin with:

Reverend ſir,

TO thoſe who are well acquainted with your prudence and turn of mind, it was no ſurpriſe to hear of your officiouſneſs, in diſcovering and bringing to light the 'ſcandalous, obſcene, and exceedingly profane libel,' about which you have made ſo much noiſe. Had you dropped this deſign too, as well as the other, which you ſay, "You had formed in your temerity," it would have been in character of the rector of Horne, but not in character of Mr. Kidgel. But give me leave to tell you, that of all the tribe of ſneaking, ſelf-intereſted wretches, who are a diſgrace to mankind, a fawning, hypocritical, intriguing prieſt, is the moſt deſpicable. However, in my expoſtulations with your *reverence* about your narrative, I ſhall not repeat what others have already ſaid to you. They have laſhed you very ſufficiently for the part you have acted, as a gentleman, a good man, and a clergyman: the ſmart of whoſe laſhes you will feel, if I miſtake not, as long as you live; even if you ſhould gain your end with a miniſtry exceedingly ſedulous in rewarding merit. I ſhall now hold you out in another light, as a ſcholar; and if it has already ap-

peared to the world, that your zeal for preferment has out-run your *probity*, it may now perhaps appear, that your *learning* is superficial; which to a man of yourself importance, and who deals so much in words, will be a discovery, I believe, not highly pleasing.

Not to mention the impropriety of the epithet genuine to a narrative which is adulterated, I should be glad to know, sir, by what rule of language you give the appellation of a LIBEL to the essay on woman? Was you really ignorant of the meaning of the word LIBEL, or did you chuse that appellation because of the late frequent use of it, as a word which you imagined would catch the attention, and engage the prejudices of the public on your side? Whatever were your motives, I must inform you, that the essay on woman, by your own account, (for I know nothing more of it) is no LIBEL. 'A LIBEL is a malicious defamation of any 'person, expressed either in printing or writing, in 'signs or pictures, in order to asperse his reputa-'tion.' But where a writing inveighs against mankind (or if you please *womankind)* in general, though it may be scandalous, though it may be obscene, and exceedingly profane, yet it is no LIBEL; and it has been agreed in the court of king's bench, 'that a 'writing full of obscene ribaldry, *without reflection* '*upon any person*, is not punishable at all by any 'prosecution at common law.' It is likewise necessary, in order to constitute a LIBEL, that it be *published* to the contumely of another person. Now, sir, in neither of these cases, does the essay on woman come up to the definition of a LIBEL. It is no invective against *a particular person*: and though it is printed, it was *never published*, nor intended so to be, as you very well know, notwithstanding your pretended zeal, 'not to promote its impunity and suc-'cess by your unseasonable and passive silence.'

Indeed

Indeed the lawyers will tell you, and perhaps to your coſt too in Weſtminſter-hall, that you yourſelf, *reverend* ſir, have incurred the guilt of a malicious and infamous libel, by charging the writer of this work on a man who did not write it, *in order to aſperſe his reputation.* For though you 'deſire 'to be excuſed from an abſolute declaration who 'the author is,' yet you have given a deſcription which nobody can miſapprehend: and that, in the conſtruction of the courts of juſtice, is as properly a libel, as if it had expreſſed the whole name at large. What adds to your offence is, that you *know* this perſon was not the author, and that the poem was written by a worthy ſon of a worthy archbiſhop of Canterbury. But if the eſſay on woman ſhould be allowed to be a LIBEL (which with all your dexterity you can never prove it) the crime of its *publication* is not Mr Wilkes's, but Mr. Kidgel's: and if the exceedingly pious perſonage who complained of it, was to be impartial, you are in danger to be puniſhed for repeating any part of it; becauſe in the eye of the law, ſuch a repetition is an unlawful publication; 'and he who is only proved to have had 'a libel in his *cuſtody*, ſhall not be adjudged the 'publiſher of it.' The next time therefore that you uſe terms of art, my advice to you is, to know the meaning of them; and the next time your zeal goes beyond your knowledge, take care not to burn your fingers.

'Deliberately, and in a few words, I might aſk,' where was 'your honour,' where your 'veracity, 'and your good intention,' in repreſenting this work as intended for publication, when you knew in your own conſcience, that no ſuch thing was ever thought of; 'Was it actually poſſible, that in your curi-'oſity to know the origin of this poem,' you ſhould not have diſcovered, that it was written for the uſe of a certain SOCIETY, inſtituted and ſupported by a

man

man placed and peeraged * * *

'indecency, your catſhip will be inſtantly flung into 'the thames.'

Peace, Mr. Sycophant, replied the tabby delinquent, your dogſhip raiſed the hogoe. If it had not been for your impertinence, not a creature upon the face of the earth, except a few ſcavengers, would have ſmelt it.

Berkeley-ſquare, Nov. 28.

Hypocriſy detected.

WHEN good men aſſert the cauſe of religion, the world applauds their eminent virtue; but when men of profligate characters perſonate the virtuous, in order to perſecute an aſſociate in *vice*, for crimes they themſelves wallow in; every movement they make in that unnatural work, betrays the ſelfiſh deſign which influences their proceedings. Their actions are, like the guilty authors, replete with miſchief and hypocriſy.

The aſperſions thrown by their wicked conduct on religion, cannot ſuddenly be wiped off; and the miſchief thereby occaſioned, is not the leſs real that it cannot be more particularly deſcribed. No national religion can be more ſtrongly ſatirized, or more effectually ſapped, than by converting it into an engine of ſtate, or a coat of mail for faction to ſtrut in. Religion in the hand of faction, becomes a deſtroying ſword; which arms, with its double edge, the miniſterial oppreſſor; that he may more ſecurely cut, with that invincible weapon, the liberties of his country and the freedom of mankind. Oh, how unhappy is that people, where the name of religion is thus impreſſed into the ſervice of deſpotiſm; And when this appears to be the unfortunate ſtate of any kingdom, how ſtrong is the call to oppoſition for the ſake of preſerving at once the national religion

and

and the national immunities? Nor is it difficult, when this happens, to unmaſk the hypocrite, and wreſt from him the poniard which he thus threatens to plunge into his country's boſom · the circumſtances attending every proſecution, afford the conſidering part of the world, ſufficient evidence to determine, whether zeal for religion, or ſelfiſh and cruel deſigns, are the true inducements that impel the pretended zealot to call for the vengeance of his country againſt one of his unhappy companions. Whenever we ſee a blaſphemer accuſing his boſom friend of crimes his own ſoul delights in, and at the ſame time know that the party accuſed is a ſpirited opponent of the faction in which the noble informer is engaged; it is then manifeſt that oppoſition is the real ground of the quarrel; blaſphemy and other ſuppoſed criminality, the pretence only; that deſtruction, not reformation, is the great end then purſued; that religion is, in that caſe, made uſe of as a ſtalking horſe; that her reſpectable name is abuſively compelled into the ſervice of cruelty: that the whole web of hypocriſy is the moſt barefaced impoſition that could be attempted on the good ſenſe of that people, whoſe religion is thus proſtituted to ſerve the baſeſt purpoſes of pride and revenge.

Could any body publiſh the private behaviour of theſe ſtate reprobates, their vilipending ſneers at that juſtice they thus abuſe, and ſecret railleries at that religion which they thus pervert, the world would then be ſenſible of the utmoſt extent of that miſery which muſt ſoon invelope the nation where ſuch perſons happen to rule.

One of this claſs, with an aſſurance peculiar to buffoons, pretends to laugh this nation out of all their anceſtors valued; their laws, their religion, their liberties, their importance, and their underſtanding. This doughty champion of tyranny and

infidelity

infidelity, truſts to his miſerable talents in ridicule for gaining this notable victory over the good ſenſe of the people of this nation. To his proficiency in the art of deception, and his ſcottiſh maſter's pride, it is owing that ſo many attempts have been lately made to make us believe that we have ſeen what our forefathers never dreamed of, religion defended by blaſphemers, faith aſſerted by infidels.

THISTLE.

On trials by ſpecial juries.

SPECIAL juries having the liberties as well as properties of their fellow ſubjects, frequently at their diſpoſal, certainly the ſtricteſt impartiality ſhould be obſerved in fixing upon theſe particular juries. There ſeems the more neceſſity for ſo doing, as it is a late practice to try the parties whom the crown proſecutes, and particularly for libels, without permitting that ancient barrier of Engliſh liberty, a grand jury, to conſider what foundation there may be for ſuch proſecutions. The preſent method of chuſing or fixing upon ſpecial juries in the king's bench, where all criminal proſecutions for libels, &c. are commenced and tried, is in the following manner. The attorney for each party attends the maſter of the crown office, who, out of a book, kept by himſelf, produces forty-eight names of qualified perſons to be upon theſe juries; and after each attorney has ſtruck out twelve of theſe names, the firſt twelve who attend of the remaining twenty-four, are to be the jury. Now, can it be aſſerted, that it is impoſſible for a returning officer to produce the names of forty-eight perſons, the majority of whom may be under miniſterial or improper influence? If this cannot be ſaid to be impoſſible, and ſuch a caſe ſhould ever happen, what chance can the unfortunate party who is proſecuted have,

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but to be convicted, even upon the ſlighteſt pretence, when attacked and expoſed to the weight of miniſterial reſentment; and more eſpecially, if either he has no proper knowledge who the propoſed forty-eight jurymen are, or has it not in his power to object againſt as many of them as he ſhall judge neceſſary. It is apprehended, that one of the moſt equitable methods for fixing upon ſpecial juries would be; Firſt, that the power of ſtriking and impannelling, or returning theſe, as well as all other juries (except where the ſheriffs were parties, *and then the coroners might return them)* would be to inveſt the ſheriffs therewith; for they being annually appointed, there appears leſs danger of their being biaſſed, than inveſting any perſons with that power for life, or for any length of time. Secondly, that in a book kept bythe ſheriffs, ſhould be annually inſerted, the names of all perſons qualified to ſerve on theſe juries. Thirdly, whenever this book was wanted for a trial, ſome indifferent perſon might promiſcuouſly take out a fixed number of names; none of them under the influence of the crown, for that ought to be a ſufficient objection in all crown proſecutions; and after each party had ſtruck off a particular ſtated number, the remainder ſhould be put into a balloting-box, and the firſt twelve names drawn ſhould be thoſe of the jurymen.

Were the perſons qualified to ſerve on all juries obliged to take their chance, and none of them permitted *(as is too often the caſe)* to get off, particularly by a fee to the ſummoning officer; it is preſumed there would not then be ſo much occaſion for taking the expenſive method of appointing ſpecial juries upon moſt kind of trials.

Was ſome ſuch method to be purſued in fixing, when neceſſary, upon ſpecial as well as other juries, and likewiſe was due care taken to prevent,

as

as far as poſſible, intereſted perſons from being thereon; and particularly when the crown proſecutes, were none allowed to be jurymen who were any ways dependent upon the miniſtry; it is apprehended, there could not then be the leaſt doubt but that all parties, who deſired juſtice and right to take place, would be fully ſatisfied to have their cauſes determined by ſpecial or other juries thus appointed.

There ſeems to be no reaſon to doubt that the general appointment or return of proper perſons for all juries was originally within the ſheriffs juriſdiction, who themſelves, according to that learned author, BOHUN, *were at firſt all appointed by the people.* This power has been explained and enforced, by divers acts of parliament; and the parliament have likewiſe taken proper care that jurymen ſhould be men fit and eligible for that important truſt; in particular, the act of the ſecond of Charles II. obliges the ſheriffs to return none for jurors on the trials in the king's bench, common pleas, oyer and terminer, &c. except they have 20l. per annum freehold in the county. And in London, ſo long ſince as the 37 of Henry VIII. it was enacted by parliament, that the citizens in London worth 400 marks were to be impannelled and returned by the ſheriffs to paſs upon attaints.

It was formerly a conſtant practice, at London in particular, for criminal proſecutions never to be commenced, until the ſheriffs had firſt returned and impannelled a grand jury, to conſider what foundation there was for ſuch proſecutions; and then he ſummoned a petty jury to determine the merits of the caſe. The truth of this remark is explained by the hiſtory of the reign of king Charles II. for Maitland aſſerts, that in 1680, the citizens of London were put into a violent ferment at the proceedings of the court, by the acquittal of perſons tried for

bad

bad deſigns; which brought them to a reſolution of chuſing ſuch ſheriffs as were in the intereſt of their country; and whom they could depend upon to return ſuch juries, as were ſincerely attached to the proteſtant intereſt. And he further adds, that in 1681, the citizens imagining that their lives, liberties and eſtates, chiefly depended on the integrity of their ſheriffs, they choſe Thomas Pilkington and Samuel Shute, Eſqrs. men in all reſpects qualified for ſo great a truſt. Rapin alſo, in page 724 of his ſecond volume, obſerves, that the ſaid Thomas Pilkington and Samuel Shute, who were whigs, being both choſen ſheriffs, in the room of Slingſby Bethel and Mr. Corniſh, the king, who wiſhed to be revenged on lord Shafteſbury, (*who then lived in Alderſgate-ſtreet*) granted a ſpecial commiſſion of oyer and terminer to ſit on the earl's trial; that the greateſt crime againſt him was an aſſociation found in his ſtudy againſt the king's enemies, the proteſtant religion, and their country. But notwithſtanding the hopes conceived by the court to be rid of their enemy, the grand jury, conſiſting of twenty-one principal citizens, returned the bill *ignoramus*. And he afterwards ſays, that Moore, the lord mayor, being ſupported by the privy council, prevailed partly by force, to have ſheriffs choſen of the king's party. This he obſerves was a triumph for the court, and that the earl of Shafteſbury was ſo ſenſible of it, that ſeeing himſelf likely to be deprived of the city of London's protection, he evaded the impending ſtorm by a retreat into Holland.

It may not be here improper to remark, that, notwithſtanding the pains taken by miniſterial tools and ſycophants, to degrade and revile the citizens of London, and to repreſent them as a factious and licentious ſet of people; yet it is a fact beyond contradiction, that they have never been wanting to

to ſupport the juſt conſtitutional prerogatives of the crown, as well as the legal privileges of the ſubject; and on many important occaſions have they exerted themſelves in defence of public liberty; and ſo far from being abetters of a party ſpirit, that it has been their conſtant invariable rule to oppoſe arbitrary principles and practices, which in many reigns have been too much exerciſed by every denomination of parties, when they had it in their power; for this glorious conduct have they frequently incurred the diſpleaſure, and when ever opportunity offered, have they experienced the weighty iron rod of corrupt power.

The hiſtory of the reign of Charles II. fully verifies this aſſertion; for one of the firſt inſtances after the court had ſecured ſheriffs at their devotion, was to get juries to ruin their fellow citizens; in particular alderman Pilkington, was by a jury fined 100,000l. for affronting the duke of York; alſo alderman Ward was, by another ſuch jury, convicted of perjury. And theſe juries were at this period ſo partial, that Maitland obſerves, they were fond of obliging the court, to the ruin of their fellow citizens, which occaſioned an hiſtorian to ſay, *that juries at* THAT TIME *were a reproach to religion and a ſcandal to the nation.* And not content with oppreſſing individuals, Rapin ſays, that after the court had got a lord mayor and ſheriffs at their devotion, they improved the advantage; and relying upon the magiſtrates compliance, reſolved to annul the charter of London. The fatal conſequence of this reſolution is too well remembered: the citizens were deprived of their whole rights and privileges; and what muſt always be expected to be the conſequence, the ancient privileges confirmed by *magna charta*, of every city and corporation in particular, and of the whole kingdom in general, ſhortly followed.

The court then became triumphantly arbitrary; and ſuch, alas! was the ficklenefs of the times, that the court artfully found means to divide the people, ſo far as to form a conſiderable party on their ſide; and had not their intentions of bringing in popery, as well as arbitrary power, been afterwards quite manifeſt to the whole nation, it is more than probable that the Engliſh liberties would have never more been reſtored. But there is now great reaſon to hope, that the civil and religious rights of this kingdom, will never, by the ſupinenefs of its guardians, nor by the wickedneſs of deſigning men, be again brought ſo near the brink of total deſtruction. We have (thank God) a monarch upon the throne, bred up in a due reverence for our happy conſtitution. As a ſpecimen of his great regard thereto, almoſt at his firſt entrance upon his regal power, *he did, at the recommendation of a patriot miniſter*, nominate a chief juſtice, who, without partiality, muſt be eſteemed one of the greateſt ornaments to his profeſſion; one, who has thought it his duty to remind juries of their ancient dignity and authority; and one that with the moſt inflexible ſpirit of patriotiſm, has nobly aſſerted the doctrine, ſo diſagreeable to the friends of arbitrary power, but which has been maintained by lord Coke, as well as the moſt upright and learned of the profeſſion, THAT JURIES ARE JUDGES OF LAW AS WELL AS FACT, AND ARE NOT ACCOUNTABLE TO ANY BUT GOD ALONE FOR THEIR VERDICTS. We have ſtill a farther ſecurity for our liberties, as his majeſty's anceſtors were choſen for and have conſtantly defended that great charter of Engliſh liberty, reſtored at the glorious revolution; there conſequently cannot be the leaſt doubt of his majeſty's giving his royal countenance to every method or propoſal that a patriot legiſlature can deviſe, to preſerve our happy conſtitution pure and undefiled.

Therefore

Therefore, as trials by juries, which are ſaid to be coeval with the Engliſh government, and were, as Rapin obſerves, vol. 1. p. 95, *eſtabliſhed by that great and good king, Alfred, as a defence againſt the natural ſpirit of oppreſſion, which grew upon men in authority*, they muſt of conſequence be eſteemed a principal bulwark to this excellent conſtitution.

May, therefore, every poſſible method be taken to preſerve Engliſh juries free and independent from all undue influence to the lateſt period of time.

The judges oath and office.

THE king has, and always had, by his prerogative, a power of appointing the judges. The courts of juſtice are his courts, and the judges are his officers; but they are not to determine according to the will of the king, but according to the law of the land. The king, in his coronation oath, binds himſelf, 'not to ſell, deny, or defer 'juſtice to any.' As by his judges alone, he can diſpenſe law and juſtice among his ſubjects, the keeping or breaking of this oath depends on the uprightneſs and integrity of the judges he appoints. Hence king Edward III. obliged his judges to take an oath, to do equal and impartial juſtice; which oath, as it has ever ſince been in uſe, may be worthy to be inſerted at large.

'Ye ſhall ſwear, that well and lawfully ye ſhall 'ſerve our lord the king, and his people, in the 'office of juſtice; and that lawfully ye ſhall coun-'ſel the king in his buſineſs; and that ye ſhall not 'counſel, nor aſſent to any thing, which may turn 'him in damage or diſheriſon by any manner, way 'or colour; and that ye ſhall not know the damage 'or diſheriſon of him, whereof ye ſhall not cauſe 'him to be forewarned, by yourſelf or by other; 'and that ye ſhall do equal law, and execution of

'right,

'right, to all his ſubjects, rich and poor, without 'having regard to any perſon; and that ye take not 'by yourſelf, or by other, privily nor apertly, gift, 'nor reward, of gold, nor ſilver, nor of any other 'thing, which may turn to your profit (unleſs it be 'meat or drink, and that of ſmall value) of any 'man, that ſhall have any plea, or proceſs, hanging 'before you, as long as the ſame proceſs ſhall be ſo 'hanging, nor after for the ſame cauſe; and that ye 'take no fee, as long as ye ſhall be juſtices, nor 'robes of any man, great or ſmall, but of the king 'himſelf; and that ye give advice or counſel to no 'man, great nor ſmall, in no caſe where the king is 'party. And in caſe that any, of what eſtate or con-'dition they be, come before you in your ſeſſions, 'with force and arms, or otherwiſe againſt the peace, 'or againſt the form of the ſtatute law thereof made, 'to diſturb the execution of the common law, or to 'menace the people, that they may not purſue the 'law, that ye ſhall cauſe their bodies to be arreſted 'and put in priſon; and in caſe they be ſuch, that ye 'cannot arreſt them, that ye certify the king of their 'names, and of their miſpriſion haſtily, ſo that he 'may thereof ordain a convenable remedy; and that 'ye, by yourſelf, nor by other, privily nor apertly, 'maintain any plea, or quarrel, hanging in the 'king's court, or elſewhere in the country; and 'that ye deny to no man common right by the 'king's letters, nor none other means, nor for none 'other cauſe; and in caſe any letters come to you 'contrary to the law, that ye do nothing by ſuch 'letters, but certify the king thereof, and proceed 'to execute the law, notwithſtanding the ſame 'letters; and that ye ſhall do and procure the pro-'fit of the king, and of his crown, with all things, 'where ye may reaſonably do the ſame. And in 'caſe ye be from henceforth found in default in any 'of the points aforeſaid, ye ſhall be at the king's 'will, of body, lands and goods, thereof to be

'done,

'done, as ſhall pleaſe him. As God you help and 'all ſaints.'

One might imagine the lives, liberties, and properties of the ſubject, were ſafe, when the king and his judges were thus bound to do equal and impartial juſtice: but the judges were to continue no longer in their office, than *durante bene placito*, during the king's pleaſure. This dependence of the judges upon the king has in many inſtances weakened the effect of their oath, and endangered the ſecurity of the ſubject. We find the judges, when aſked by king *Charles* the firſt, 'Whether he could not annul acts of parliament 'that were prejudicial to him?' replied, 'that the 'king was above the laws,' and in the ſame reign, they gave it as their opinion in writing 'that the 'king might by law levy ſhip-money on his ſub-'jects by his writs:' and in 1686, two years before the revolution, they were not aſhamed to declare, 'that the king had a power to diſpenſe with the 'laws.'

At the revolution, the nation ſaw the neceſſity of making the judges independent, for the honour of the crown, as the ſecurity of the people. It was not in view to abridge the prerogative of its power to appoint, but to reſtrain it from diſplacing the judges at will. By the act of the 12th of king *William* the third, it is enacted, 'that the judges 'commiſſions be made during their good beha-'viour, *quamdiu ſe bene geſſerint*.' Towards the cloſe of the reign of that excellent prince, the *late* king, 'whoſe memory is embalmed with the tears 'of Engliſhmen,' was added the judges ſalary, which they now enjoy, in order to render them as independent of the crown as poſſible. It is a glorious reflection, to us who ſee a patriot king on the throne, and ſuch upright judges on the bench; to think that a *Jefferies* cannot be ſcreened from juſtice, and

that a PRATT need not fear to give a juſt interpretation of the laws.

On the Liberty of the Preſs.

NEVER thought that the more any man endeavoured to exert himſelf for the liberty of the ſubject, the more he ſerved his prince, and the more he ſhewed his duty to *him*. The happineſs of a king can never be more great, than when his ſubjects enjoy a compleat content; and the ſubjects can never be contented when their liberties are any ways injured, attacked, or undermined. Whatever man adviſes his prince to take any one ſtep which borders upon contracting the eſtabliſhed privileges of the people, is a double traitor both to his ſovereign, and his fellow ſubjects, and aſſuredly ought to be diſcarded by the one, and abominated by the other.

Among the privileges of this country, the chiefeſt are, the liberty of the preſs, and the privilege of being tried by our peers; and when ever theſe two are loſt (which may God and all good men forbid) the name of a Briton will be deſpiſed as that of the moſt abject wretch breathing. The beſt things prove the worſt when once corrupted, and the greater the taſte of liberty hath been, the more heavy will the loſs of it be felt. I would not be underſtood to inſinuate we are in any danger of ſuch a loſs; no, quite the contrary: but it can never be unſeaſonable to warn my countrymen not to give way to the moſt diſtant attempts againſt ſuch invaluable bleſſings.

Any encroachment on the liberties of the preſs, if rightly conſidered, can never add to the real intereſt of either king or miniſter; by its freedom only, the prince may learn when the people are oppreſſed; when any ſtateſman (borrowing his

ſovereign's

ſovereign's name to ſcreen his miſdeeds) does any act of injuſtice; and when any thing conducive to the people's further happineſs can be affected. That is the only way by which a ſubject's complaints can arrive to the royal ear, and by which truth can come to the knowledge of a king. In moſt countries, the monarch is ſurrounded with a number of men, whoſe private intereſts are to baniſh truth, and hinder any acceſs to the royal preſence, to thoſe who may inform him of the thoughts of his people, or the oppreſſions of his delegates. Conſequently, when that liberty is abridged, and nothing dare be printed but what hath received the ſanction of a ſtateſman imprimatur, the ſubject may be daringly oppreſſed, and they may be ſure no licence will be granted for publiſhing a detail of their wrongs; the miniſter will then boldly tell his maſter, that every thing goes on right, that the people are happy and contented, and the deceived monarch all the while lays under the imputation of having ordered whatever a miniſter has dared to do; and knows not that the multitude ſuffer, 'till an open defection proclaims what has been done.

As it is not the intereſt of the king, no more is it that of the good miniſter to reſtrain the preſs. No miniſter, however good, however great, however enlightened and capable, can be ſuppoſed to know the actions of all thoſe who act in the ſeveral departments of the ſtate at home, in the fleets and armies, the government of diſtant provinces, or in embaſſies abroad: the accounts ſent home by the parties themſelves, will moſt certainly be in their own favour, and without the preſs, no one will dare diſcover any miſmanagement; ſince, if inferior perſons, if their names are known, they may fall a victim to the power of thoſe accuſed; but by means of the preſs and public papers, a man may give ſuch intelligence as a good miniſter will be glad to

receive, and thereby, knowing the minds of the people, may act for the universal good.

On the other hand, since knowledge and experience are not confined to rank and fortune, a simple individual who hath not means of access to the great, may start a thought, which, if seconded by the power and wisdom of an able and honest statesman, may be productive of general good. Thus by means of the liberty of the press, the intelligence, the hints, and wise projects of a minister, may be greatly extended; truth will come unstopped to the sight of the king, and thence follow justice and benefit to the people.

But if these great advantages arise from the liberty of the press, whence then can it be supposed any one would ever wish to see it suppressed? I answer, solely through fear, and none but *bad men* can ever entertain that fear, none but *bad men* can dread an open disquisition of their conduct, since it is the good man's interest to be fully known, and the more his character is made public, the more glory accrues to himself, and the more emolument to his fellow subjects.

Since I have said thus much on the liberty of the press, lest any one should misconstrue my meaning, it will be somewhat necessary that I should declare what I mean by a liberty of the press.

I mean then, a full and uncontroverted liberty to *print*, (without seeking any permission) whatever a man ought justly to have liberty to *say*. This consequently will exclude all treason, all slanders which may be prejudicial to any honest man's life, character or fortune, all obscenity which may be corruptive of morals, and all impiety which may tend to subvert religion. All these exclusions are already made by our laws, and as no man can *say* those things with impunity, so no man ought to *print* them: but then indeed, these exclusions ought not to be explicit, and not tend to the adopt-

ing

ing INUENDOES, by which ſome ſtretching lawyers might even turn the holy ſcriptures into libels and ſlanders. As no man can or ought (by any authority whatever) be puniſhable for what he doth not know to be a crime, ſo no man ſhould have power, or be encouraged to conſtrue any word *ſpoken* or *printed*, as criminal, by any law criticiſm, but what are really and abſolutely ſuch; for if this is allowed, there muſt be a final ſtop put to any productions of the preſs, ſince the moſt innocent and moſt unmeaning words may be tortured into crimes.

The Tribune of the People.

On juries. By the ſame.

IF we reflect on the manner of trying not only civil but criminal cauſes, in the neighbouring countries, we ſhall have reaſon to rejoice that we inhabit this. In France, a man ſuſpected of a crime, is taken and committed to priſon, his proceſs (as they call it) is ordered to be carried on, witneſſes are interrogated out of his ſight, the depoſitions reduced to writing, and the criminal is examined on thoſe depoſitions; if he doth not confeſs his crime, perhaps the witneſſes are confronted with him; if he ſtill denies, he is put to the torture to extort a confeſſion; and though he may have ſtrength to reſiſt the moſt excruciating torments, yet, as the accuſers are generally believed before the accuſed, he is pronounced to be contumacious; and though the law cannot adjudge a man to death there, unleſs he confeſſes his crime, yet he is ſentenced to the gallies, and as ſoon as his mangled limbs have got any ſtrength, he is ſent thither to drag out a wretched life.

But here, on the contrary, my countrymen, let us rejoice, not only in the mildneſs but the equity of

of that law, which allows every man a trial by his equals; twelve impartial men are ſworn to diſcharge their conſciences between man and man; and a perſon can never ſuffer unjuſtly, unleſs a ſet of men, leagued together by perjury, deceive a jury, by ſwearing things that are falſe, with ſuch appearance of truth, that man, who can only judge by appearances, and can know the hearts of men only by their ſpeeches, cannot but ſuppoſe the accuſed to be guilty; yet, after all, ſuch is the difference of our mild laws, from thoſe of other nations, that the condemned have often here as many weeks before the execution of their ſentence, as they have hours in other countries; and thereby give time for an application to a ſovereign's mercy: thus mild are our criminal laws, and thus equitable is the manner of our trials; and that great palladium of Engliſh liberty can never be deſtroyed, without ſubverting the whole conſtitution; every attempt thereto is a manifeſt attack on liberty, and ought to be guarded againſt with the utmoſt intrepidity and caution.

In former reigns, attempts have been made to take away, or at leaſt render uſeleſs, this darling privilege: the ſtar-chamber was a moſt daring inſult, and laſted longer than almoſt could be believed; yet at laſt the genius of liberty rouſed her ſons, and it was forced to be aboliſhed. The next endeavour to overthrow our liberties, by means of what was intended to preſerve them, was, by packing of juries, not allowing the priſoner to make his legal challenges, and by brow-beating, terrifying, and ſtarving into compliance, ſuch juries as were not ſufficiently pliable to court judges. This was often practiſed in the reigns of Charles the ſecond, and James the ſecond. In thoſe days of oppreſſion, judges have been heard to tell a jury, you ſhall find ſuch a verdict, or you ſhall

ſtarve

ſtarve for it; and even when they have reſiſted all corruptions, and braved all menaces, and done their duties, unawed by the frowns of power, they were ſeverely fined.

Such ſteps led on to the revolution, by which our liberties were once again ſecured, and O my fellow ſubjects! may we never ſee again that day that an Engliſh jury ſhall be aboliſhed; or what may be as bad, may be ordered by any judge whatever what verdict to find. May we never ſee the bench of juſtice profaned by any man, who can ſhow the leaſt partiality between criminal and accuſer, plaintiff or defendant. Should ever ſuch a man ariſe in future times, who (not conſidering he is the real counſellor of the accuſed or oppreſſed) ſhould be warped by any unmanly prejudices of either party, country, or religion; then may our poſterity remember they deſcended from free Britons, and boldly ſtand in the gap; remember they are JURYMEN, and give that verdict, they can anſwer in a place where no party, no country, no ſtateſman, no judge, no king, can oppreſs or puniſh for a ſtrict adherence to privilege and juſtice.

I cannot quit this ſubject without obſerving, that in all faults or infringements of the laws, which a man may or can commit, a man muſt be adjudged by his peers, except an infraction of the exciſe laws. In that court, they are accuſers, parties and judges altogether. I hope no bad uſe has been made of that almoſt boundleſs power; and I equally hope, that no man may be ſo unhappy as to put that power to a trial; yet ſince it is the only exemption of our greatly boaſted liberties, I cannot help looking upon every extenſion of exciſe power, as a ſtep towards aboliſhing juries.

Already moſt of the neceſſaries of life are exciſed, already the penal clauſes are ſo numerous, that a man muſt almoſt neceſſarily be at the expence of

ſome

ſome pounds, only to know whether he is guilty of a breach of the laws, or not. Already our manufactures are ſubject to the inſpection of a ſet of ſpies and informers, whoſe profit it is to find a fault, and who rejoice at eſpying even an error. Who knows what may one day happen? Who knows but debts may be exciſed, wills, letters of attorney, deeds of gift, leaſes, and all conveyances, may, in ſome future time, be made ſubject to that formidable tribunal; and, in fine, who knows but even felony may be exciſed; then adieu to juries, then adieu to liberty. A bad miniſter hath nothing to do then, but to be ſure of the commiſſioners; and woe be to any man bold enough to write or ſpeak in defence of his once free country, ſince future Empſoms, and future Dudleys, may then ariſe, whoſe arts could eaſily bring whoever is obnoxious to the miniſter, to an undeſerved puniſhment; and they could then, with impunity, commit the cruelеſt of all murders, and that under the maſk of juſtice, and in form of law.

The TRIBUNE'S ORATION *to the* PEOPLE.

Friends! countrymen! fellow-citizens!

I COULD wiſh that I had the fulleſt power of eloquence, to make what my heart feels to ſink deep into your minds; but, ſince nature hath denied me the force of a Demoſthenes or a Cicero, accept my artleſs endeavours for the general good.

It is believed by many, that the LIBERTY OF THE PRESS will be *attempted* to be taken away: it is therefore time to ſpeak; it is therefore proper that your TRIBUNE ſhould lay before you the *conſequences* that *muſt*, and *will*, naturally enſue from ſuch a ſtep. Some may *perhaps* ſay, that that fear is groundleſs; or, that the day may be far off.

To

To the firſt I anſwer, that the *liberties of the people* ſhould be like *Cæſar's wife*, not only *unſpotted*, but even *unſuſpected* of an attaint. To the latter, that though we were ſure (which we are far from being) that the *preſs* would not fall under the *power* of a licenſer till our tenth or twentieth generation, yet ſhould we not ſtand tame now, but tranſmit to lateſt *poſterity*, that they had anceſtors who ſtruggled to preſerve their children's freedom; and handed down their curſes upon the caitiff, who, by vilely attempting ſuch a *pernicious* ſcheme of tyranny, ſhould commit ſo daring a TREASON *againſt the* MAJESTY *of the* PEOPLE.

Reſtraint!—what reſtrictions would men have? Are there not *already* a number of laws which extend their *penal gripes* on every thing that *is*, that *can be deemed*, or even that *can be ſtrained* into *licentiouſneſs of the preſs*? What more can be wanted? Would they wiſh to bring again the times of cutting off the *hand* of a *Stubbs*, the *ears* and *noſe* of a *Leighton*, or the mercileſs treatment of a *Prynne*, a *Baſtwick*, &c. Are not *pillories*, *fines*, and *years of impriſonment*, deemed ſufficient reſtraints, but MORE muſt be attempted? Theſe the law is *already* poſſeſſed of; and can MORE be required? Can MORE be neceſſary? No, my countrymen! *already* the *preſs* hath *too many reſtrictions*: *already* the free diſcuſſion of many *important points* is much contracted: *already* the times are ſuch, that if an erroneous *ſtep* is taken by any overgrown *company*; if even one of the largeſt *proprietors* ſhould adviſe or animadvert in *print*, they will cry out, it is a reflection on the honourable or worſhipful board, and they will *proſecute* for it; though the South-Sea directors in 1720, and the memorable charitable corporation, ſtill remain freſh in the *public* memory; though diſtreſſed families yet mourn that fatal *period*; and the cries of the *priſoner*, the

widow,

widow, and the *orphan*, join to brand thoſe *depredators* on the *public* with laſting infamy.

Already the treatment of the *poor*, the *perverſion* of the *poor's-rate* into tavern treats; the ſhameful neglect in cleanſing our ſtreets; the *miſapplication* of money; the granting licenſes to houſes of ill fame; *already*, I ſay, all theſe muſt paſs unnoticed, leſt Mr. Licenſer, Mr. Church-warden, Mr. Collector, Mr. Overſeer of the poor, or Mr. Scavenger, ſhould think he is reflected upon, and proſecute the divulger of his frauds and colluſions.

Already, my dear countrymen! things are ſo; and yet MORE reſtraints (it is ſaid) are wanted. It is ſaid that a *licenſer of the preſs* is intended to be again impoſed on us. But ſhould that ever happen, *then* adieu all freedom; *then* civil and religious liberty will be at an end.

Then, O my fellow-citizens! *oppreſſion* will ſtalk *barefaced* forth, and will drop entirely the veil with which ſhe now hides her ignominious head: *then* may be expected an arbitrary miniſtry, a venal ſenate, a corrupt magiſtracy, an ignorant, overbearing clergy; a defenceleſs navy, an enervated army, and a turbulent people: *then* ſhall we be forbid to utter our groans; for *then* THE LICENSING TOOL will refuſe his *imprimatur* to any complaint, until at laſt the long-ſtifled fire of reſentment for repeated wrongs, may burſt into a flame; which may deſtroy the licenſer and his employers.

On the rights of juries.

AMONGST other devices, to undermine the rights and power of juries, and render them inſignificant, there has an opinion been advanced, that they are only judges of fact, and are not at all to conſider the law; ſo that if a perſon be

be indicted for a fact, which really is no crime in itſelf by law, but is worked up by words of form, as treaſonably, ſeditiouſly, &c. if the fact be but proved to be done, though the wicked circumſtances do not appear, they ſhall be ſupplied by the law, which you are not to take notice of, but find the bill, or bring in the perſon guilty, and leave the conſideration of the caſe in law to the judges, whoſe buſineſs it is. Thus ſome people argue, but it is an apparent trap, at once to perjure ignorant juries, and render them ſo far from being of good uſe, as to be only tools of oppreſſion, to ruin and murder their innocent neighbours with the greater formality: for though it be true, that matter of fact is the moſt common and proper object of a jury's determination, and matter of law that of the judges, yet, as law ariſes out of, and is complicated with fact, it cannot but fall under the jury's conſideration.

Littleton, ſect. 368, teaches us, that the jury may, at their election, either take upon them the knowledge of the law, and determine both the fact and law themſelves, or elſe find the matter ſpecially, and leave it to the judges: It is by applying matter of fact and law together, and from their due conſideration of, and right judgment upon both, that a jury brings forth their verdict. Do we not ſee in moſt general iſſues, as upon not guilty pleaded in treſpaſs, breach of the peace, or felony, though it be matter in law, whether the party be a treſpaſſer, a breaker of the peace, or a felon, yet the jury do not find the fact of the caſe by itſelf, leaving the law to the court, but find the party guilty or not guilty generally; ſo that though they anſwer not the queſtion ſingly, what is law? yet they determine the law in all matters where iſſue is joined. Is it not every day's practice, when perſons are indicted for murder, the jury does not

only

only find them guilty, or not guilty, but many times, upon hearing and weighing of circumſtances, brings them in either guilty of the murder, or elſe only of man-ſlaughter, per miſadventure, or *ſe defendendo*, as they ſee cauſe? Beſides, as juries have ever been veſted with ſuch power by law, ſo to exclude from or diſſeize them of the ſame, were utterly to defeat the end of their inſtitution. For then, if a perſon ſhould be indicted for doing any common innocent act, if it be but cloathed and diſguiſed in the indictment with the name of treaſon, or ſome other high crime, and proved by witneſſes to have been done by him, the jury, tho' ſatisfied in conſcience that the fact is not any ſuch offence as it is called, yet becauſe (according to this fond opinion) they have no power to judge of law, and the fact charged is fully proved, they ſhould at this rate be bound to find him guilty: and being ſo found, the judge may pronounce ſentence againſt him, for he finds him a convicted traitor, &c. by his peers: and ſo juries ſhould be made mere properties to do the drudgery, and bear the blame of unreaſonable proſecutions; but all this is abſurd, and abhorred by the wiſdom, juſtice, and mercy of our laws.

On trials by juries.

THE trial by juries of our peers in all caſes of indictments and informations, lying at the very root, and being one of the moſt fundamental principals of our preſent happy conſtitution; a conſtitution ſo happily conſtructed, as at the ſame time to preſerve the fixed prerogatives of the crown without the leaſt encroachment on the people; ſo nobly conteſted for by our anceſtors, and now ſo firmly rivetted in the minds of the inhabitants of this country,

country, that ſure I am, no proſpects, no offers, no gifts, would be capable to induce them, to deſert thoſe notions, principles, and maxims of liberty, which they have from their birth been taught to eſteem as congenial with the very exiſtence of Engliſhmen; and which is the admiration, the jealouſy and envy of foreigners. I ſay, trial by juries of our peers, being the touchſtone of our liberties, it well deſerves a few moments enquiry: 1ſt, upon what principles it is eſtabliſhed; and 2dly, what ſhould be the guiding rule of a jury's determination upon critical proſecutions. Now as to the firſt object of enquiry upon what principles this ineſtimable bleſſing of a trial by a jury of our peers, is eſtabliſhed. The leading principle, is undoubtedly to preſerve inviolable the liberty of every individual, that no man may be puniſhed till after a legal conviction, a conviction by twelve men to whom he can have no objection, and whoſe judgment cannot be ſuppoſed to be warped by any undue influence. This I take to be the leading principle. Again, it effectually removes any foundation of complaints, of injuſtice, arbitrary determination, ſiniſter view, perſonal pique, or any thing elſe, from the accuſed perſon. I ſay, it effectually removes any foundation of complaint, which certainly may with great reaſon be pleaded, where the power of determination is inveſted in one man, when he may magiſterially decide upon evidence on one ſide, without hearing what may be offered on the other ſide; when he may paſs judgment upon a preconception of the caſe; when family connection, or a thouſand other poſſible caſes, may influence him to paſs a wrong judgment. In ſuch a ſituation as this, there certainly would be the ſtrongeſt reaſon in the world, to object to the determination. In like manner ſuppoſe a power of determination, inveſted in a ſet of men, who from

ſituation, place, expectation, &c. have a viſible and apparent end to anſwer, either as to honour or lucrative advantage, in the condemnation of an accuſed perſon: Or ſuppoſe theſe men to act at the beck, or under the direction of a ſuperior, whoſe very exiſtence in office depends upon this condemnation, ſurely then no one could be found, ſo far loſt to all true notions of juſtice and equity, as to approve of ſuch a determination. So much for the firſt object of inquiry.—Now, as for the other part, what ſhould be the guiding rule of a jury's determination, upon criminal proſecutions, particularly in caſes of libels between the crown and the ſubject. Theſe are caſes which do not reſt altogether upon evidences. Here a jury has not only to cloſely attend to a complicated evidence, and which poſſibly after inveſtigation, they may be of opinion, is poſitive as to the matter of fact; but then (being moſt confeſſedly judges of law as well as fact) they have to attend to the foundation of the action. A man may be proſecuted for walking or riding on the king's highway, the moſt poſitive and concluſive evidence may be brought, as to the matter of fact; but I am ſure no jury that well conſiders the caſe, would find a perſon guilty for ſo doing. Only let us conſider a little the import of the word guilty: it certainly fixes the ſtigma of an offence upon the perſon againſt whom it is levelled, declares to the world, he has, (in their opinion) committed an action contrary to the laws of his country, and deſerving puniſhment accordingly. This idea alone, I ſhould imagine, would be ſufficient to determine a jury as to their verdict, when they are of opinion the foundation of the action is not criminal in itſelf. I ſhall cloſe what I have to ſay upon this ſubject, with making an obſervation or two, with regard to a libel, an offence ſo undetermined in itſelf, that the greateſt lawyers of our times (and who poſſibly are as knowing and

as

as well verſed in the intricacies of law, as any that ever filled the bench) are not agreed themſelves, what is, or is not, a libel. Now an action may be commenced againſt a perſon for the publication of a paper, which the proſecutor may be fully ſatisfied comes under the denomination of libel. I ſay, he may think ſo; others, with more juſtice on their ſide, may think the contrary. A caſe in ſuch a ſituation may be brought to a fair and open trial, when the particular circumſtances may be candidly debated on both ſides.—What is the jury to do? they are to find a verdict guilty or not guilty.——How are they to proceed? 1ſt, as to the point of publication, they are to conſider, whether the evidence is ſufficient to fix that; if it is not, there can be no doubt as to the verdict, that muſt be found, not guilty? If the publication is ſufficiently eſtabliſhed by the evidence, the next object of examination is, whether it is, or is not a libel; whether it is, or is not, ſuch an action, that deſerves to be declared, by an honeſt and impartial jury, a criminal offence, a violation of the laws of their country, and of courſe liable to, and deſerving of, exemplary puniſhment. I ſay, this is the next object of examination, and if they ſhould be clearly of opinion, that the publication was of a nature as above deſcribed, they muſt, beyond all doubt, find a verdict as guilty. But on the other hand, if they ſhall be fully perſuaded in their own minds, that the publication, though bold in itſelf, and replete with nervous expreſſions, was no libel; was undeſerving of the appellation of a criminal offence, or a violation of the laws of their country; in that caſe, it muſt be equally clear to every impartial perſon, that they are bound by their oath, and by every conſcientious tie, to bring in their verdict, not guilty.—Now can it be poſſible for them to declare a perſon guilty, for an action, which in

their own minds, they think incurs no guilt.—Can the publication of an innocent performance, be termed guilt; if not, I ſay, let the ſtrength of evidence be ever ſo clear as to the publication of a performance, not in their opinion criminal, or coming ſtrictly under the denomination of a libel, they cannot, with decency, juſtice, or in conſcience bring in their verdict guilty.———Thus, I have flung out a few thoughts for more able pens to enlarge upon,

And am your moſt humble ſervant,

A SINCERE LOVER OF JUSTICE.

On the ſame.

THE executive part of our laws, is excellent; for nothing can ſo effectually ſecure to us our liberty and property, as juries, who are the ſole judges of facts, while the judges are ſtrictly bound to keep to the letter of the law, and affix the legal puniſhments, after the juries have found the crime. By which means the wicked endeavours of corrupt adminiſtrations, aided by temporizing judges, to enſlave the people or oppreſs individuals, have been for the moſt part fruſtrated.

As this is the baſis of our liberty, and as by theſe means we have for many centuries been enabled to baffle every attempt to deſtroy the juſtly-admired equilibrium between the crown and the people, by extending the prerogative, ſo it ſeems exceedingly ſurprizing, that at this day there ſhould be any inſtance, where the people are excluded from their juſt rights of determining the facts previous to a condemnation, which is abſolutely the caſe in the proceeding againſt a libel, and in any ſuppoſed offence againſt the exciſe.

When

When a perſon is proſecuted for a libel againſt the ſtate, it is always by information, which is undoubtedly an innovation in this conſtitution, being a ſubſtitute for an indictment in no reſpect conſiſtent with the ſpirit of our laws, and was unknown in this country, till the ſuppreſſion of the ſtar-chamber, when the officers of ſtate, thought it neceſſary to have ſome method of commencing proſecutions againſt the people without their immediate conſent, which is the caſe when indictments are to be found by the grand jury. An information filed by the attorney general, is without any previous motion of court: ſo that a proſecution againſt any perſon, or upon any account whatever, is commenced at pleaſure; though no ſentence can be obtained without a conviction by a jury; yet, when you conſider the ſtate doctrines relating to libels, which is, that the jury are not to enter into the merits of the paper, whether it does or does not contain the illegal matter laid in the information, but only to find the ſingle fact of the publication; I believe, it muſt appear to every rational man, that the jury, by theſe doctrines, are made mere cyphers; and that a man accuſed of writing a libel, is preſented to the court for puniſhment, without the opinion of his peers being taken on this offence, which is a groſs infringement of that valuable appendage to Engliſh liberty.

This, I apprehend, is an oppreſſive method of proceeding, that loudly calls for redreſs; for though every individual in the kingdom may be thoroughly ſatisfied with the preſent judges, yet it never was the intention of our laws to let the judges determine facts, but only to direct in points of law, and aſſiſt in digeſting evidence. The judges are ſtrictly bound to the letter of the law, in almoſt every caſe regarding the liberty of the ſubject, and the laws have affixed the puniſhments for each crime: but in this important affair of libels, on

which the liberty of the preſs ſo immediately depends, the puniſhment is in the breaſt of the court, to ſlit noſes, cut off ears, pillory, fine and impriſon.

That the crown cannot turn out judges to obtain particular ends at this time, as it did formerly, I am well apprized: but though the power of turning out the good is denied, yet no law ſecures us from having bad, corrupt, ignorant, or wicked tools of ſtate, appointed on any vacancy by death, reſignation or promotion: from which it is apparent, that no privilege of the ſubject ſhould be given up, even to theſe our excellent judges, leſt their ſucceſſors are not fit to be confided in.

From the high importance of the liberty of the preſs to this ſtate, I hope every juryman, in all future proſecutions, WILL EXERT HIS UNDOUBTED PRIVILEGE OF DETERMINING THE FACT. If any ſubject is guilty of writing libels, or ſedition, every good man muſt think himſelf happy to have an opportunity of preſenting him to puniſhment; but I hope he will always ſee with his OWN eyes, and not give a man up to DESTRUCTION, on the mere *ipſe dixit* of an attorney general.

Letter from Sir GEORGE YONGE, *Bart. member for Honiton in Devonſhire, to the portreve of Thutborough, relative to his conduct in parliament on the queſtion concerning general warrants, debated on the 14th of February,* 1764.

SIR,

YOU deſired to know from me the *truth* of many things which had been *aſſerted* concerning the great queſtion, which was agitated in parliament laſt February. The manner in which I will

will now ſtate to you the whole of that queſtion, will, I hope, juſtify the credit you give me. You will ſee by it, the reaſons which moved and determined me upon that occaſion.

There are three things to be conſidered with relation to the late proceedings concerning the iſſuing of general warrants. 1ſt, The manner of iſſuing and executing ſuch warrants. 2d, How far they can be juſtified in point of law. 3d, The propriety of the proceedings of the houſe of commons, upon the complaint made of a breach of privilege. With regard to the firſt head, (which I ſhall confine to the matter of fact) it appears, that lord Halifax, on the 25th of April 1763, iſſued a warrant to apprehend the authors, printers and publiſhers, of a ſeditious paper, intituled 'The North Briton, No. '45, to ſeize them, *together with their papers*, and 'bring them in ſafe cuſtody to be examined before 'him.' This warrant was granted not only without information upon oath, but without any information at all; (as appeared on the trial of the meſſengers) for it was directed to three meſſengers by the ſecretary of ſtate, to go to Mr. Carrington, (another meſſenger) in order to learn from him whom they were to *ſuſpect*, in what manner they ſhould proceed, and what perſons he would adviſe that they ſhould take up. They were informed by Mr. Carrington, that, from the information he had received, he was of opinion, that one Leach, and others, were the printers and publiſhers of this paper, and that he had been informed that one Mr. Wilkes, a perſon ſuppoſed to be the author of the North Briton, had been ſeen frequently in Leach's houſe of late, and that an old printer, whoſe name he did not mention to the meſſengers, had told him, that the ſaid Mr. Leach, was the printer of the ſaid paper. Upon this extraordinary information, the meſſengers thought fit to exerciſe

the diſcretionary powers, delegated to them by the ſecretary of ſtate, againſt Mr. Leach; entered the houſe, ſeized him and *all his papers*, and alſo all his ſervants, whom yet they never carried before lord Halifax, as directed by the warrant, but after twelve hours confinement in an alehouſe, diſcharged them. Leach was kept in confinement ſeveral days, and then releaſed.

On the 26th of April, lord Halifax iſſued another warrant in the ſame general form, whereby one *Balfe*, a printer, and one *Kearſly*, were taken into cuſtody. Upon the information of this *latter* perſon, Mr. Wilkes was apprehended on the 30th of April, by a *verbal order* given to the meſſengers: ſo that Mr. Wilkes was apprehended *without any warrant at all*; no other but that of the 26th of April having been iſſued, the execution of which againſt Balfe and Kearſly, was, or ought to be, the legal return of that warrant; and the information whereby Mr. Wilkes was apprehended being ſubſequent to that return, there remained properly no authority to apprehend Mr. Wilkes, but the *verbal order*. However, under this authority, Mr. Wilkes was ſeized, and Mr. Wood and Mr. Webb, with others, took poſſeſſion of his houſe, and carried away in a ſack *all his papers* that could be found.

Upon immediate application to the court of common pleas, a writ of *habeas corpus* was ordered. This the ſecretaries of ſtate were ſoon informed of; whereupon they ſhifted the cuſtody of the priſoner, and committed him to the Tower; ſo that the effect of that *habeas corpus* was eluded, and he was kept cloſe priſoner, debarred the uſe of pen and ink, and the ſight of his friends.—Thus much as to the matter of fact. How far theſe proceedings can be juſtified by the laws of this country, is the next conſideration.

It is univerſally agreed by all judges, by all the writers of the law, that a *general* warrant, not expreſſing the *name of the party* to be apprehended, is void in law; for it is leaving it to the arbitrary diſcretion of a common officer to arreſt perſons, and ſearch what houſes he thinks fit; and the ſeizure of *papers* has frequently been condemned as illegal. However, to juſtify the warrants iſſued by lord Halifax, the PRACTICE of the ſecretary of ſtate's office, has been mentioned and called an USAGE, and Mr. PITT's adminiſtration has been quoted to ſanctify ſuch proceedings. To this three anſwers may be given; firſt, That the *practice* is but modern, and but ill called *uſage*, taking its idea and riſe from the licenſing act, and the arbitrary days of Charles II. nor is the practice conſtant or uniform, for all the precedents differ. 2d, If uſage had been proved, it could not make that JUSTIFIABLE, which is ILLEGAL; for *uſage* in matters of law, that are doubtful, is a good expoſitor of the law; but *uſage* againſt law, is *oppreſſion*. 3d, Mr. PITT's adminiſtration affords no ſuch precedent; two warrants only appear iſſued by Mr. PITT, one for the ſeizure of certain perſons on board a ſhip going to France: the other for apprehending the count de St. Germain, a foreigner, and ſuppoſed to be a ſpy. Theſe were iſſued in the midſt of a war with France, not for libels, but as in caſes of high-treaſon, and the cauſe juſtified the proceeding. In like caſes, ſecretaries of ſtate have before this time iſſued general warrants. But the honour of being champions and defenders of a proceeding, which no lawyer in the kingdom dared ſay was LEGAL, ſeem reſerved for THE PRESENT INVASION OF OUR LIBERTIES. And as to the cloſe confinement in the Tower, it will be difficult to find a lawyer that will

affert,

aſſert, that a man, upon a bare charge of a miſdemeanor, may be kept *cloſe priſoner*, and diſabled of the opportunity of obtaining *bail*, which, in caſe of a miſdemeanor, he was intitled to. I have ſhewn you therefore the manner of proceeding, and, I think, the illegality of it; the propriety of the proceedings of the houſe of commons upon this occaſion, remains to be determined.

I ſhall begin by obſerving, that the matter was firſt opened to the houſe upon GENERAL GROUNDS, ariſing out of the complaint which had been introduced againſt Mr. Wilkes in the beginning, and ſo purely for the honour and dignity of the houſe, and the rights of the ſubject, without the leaſt regard to individuals; that it was *by the direction of the houſe*, formed into a complaint againſt Mr. Wood, and Mr. Webb, and the meſſengers. In this manner it was received and examined into by the houſe. And here the juſtification of the gentlemen, againſt whom the complaint was formed, by order of the houſe, as a means to come at the legality of the warrant iſſued by lord Halifax, certainly depended upon a proof of the validity of it; and meſſrs. Webb and Wood, &c. could only be guilty, if the warrant was illegal. For this reaſon it was neceſſary to propoſe the following general queſtions: 'that a general warrant for ap-'prehending and ſeizing the author, printers, and 'publiſhers, of a ſeditious libel, together with 'their papers, is not warranted by law.' Yet when this queſtion was propoſed, (the matter of fact having been gone through) the conſideration of it was declined, in order to diſcharge the complaint againſt *Webb*, *Wood*, &c. previous to the examination into the legality of the warrant; upon what ground of reaſon, law or juſtice, is not eaſy to be conceived, there being ſuch a connection between the general warrant, and the perſon complained

plained of, that *the houſe had determined*, that nothing could ſeparate them in the beginning; nothing therefore could equal the inconſiſtency, firſt to diſcharge *the order of complaint*, and then, the next day, to go into the conſideration of the legality of the warrant. However, having done this, the queſtion was then altered, by adding theſe words, 'Although ſuch warrants have been iſſued 'according to the practice of office, and have fre-'quently been produced to the court of king's 'bench, and as far as appears to this h——, the 'validity thereof hath never been debated, but the 'parties have thereupon been bailed by the court.' The queſtion, thus altered, was then conſidered. The ILLEGALITY of the warrant was ASSERTED, and not DISPUTED; yet it was reſolved to put off coming to any reſolution upon this queſtion for four months, becauſe it was improper to give any opinion upon this matter, being a point of law that was then depending in the courts of juſtice, where the queſtion was *ſub judice*.

To this a full anſwer may be given; 1ſt, it has been the cuſtom, and a matter of attention in parliament, to declare upon theſe points. To prove this, many precedents of various kinds might be produced. I ſhall content myſelf with theſe: when the crown was endeavouring to introduce a general exciſe, and the troubles in England, occaſioned thereby, were quickly followed by the Scotch invaſion, two Engliſh peers, the earl of Warwick and lord Brook being ſuſpected of holding correſpondence with the Scotch rebels, were, in time of privilege, apprehended by warrants from the ſecretaries of ſtate, their houſes entered and ſearched, *their papers ſeized*, and their pockets rifled. This produced a complaint in November 1640 againſt the ſecretaries of ſtate who iſſued, and the clerk of the council who executed, the warrants. On this

occaſion,

occaſion, though the caſe was *not* a caſe of privilege, yet the warrant being *general*, and to ſeize *all papers*, was declared *illegal*, and the *illegality* of the proceeding, being againſt two members of parliament, was declared a *breach of privilege*. Satisfaction was then made to the two injured lords, and the clerk of the council firſt brought on his knees at the bar of the houſe of lords, and afterwards committed to priſon, Again, in 1680, Sir William Scroggs, lord chief juſtice of the king's bench, iſſued general warrants to ſeize ſuch ſeditious books, libels, and pamphlets, as the meſſengers of the preſs ſhould be informed of. Upon this the houſe of commons reſolved, that the warrants were arbitrary and *illegal*, and impeached the judge. Yet this caſe, though ſo highly reſented by the houſe, is plainly not ſo flagrant and offenſive as the warrants iſſued by lord Halifax. In 1692, a complaint was made by lord Marlborough, and others, of a breach of privilege, having been committed to the Tower, without information on oath, and of a diſcharge of bail being refuſed in time of privilege. On this occaſion *a bill* was propoſed to indemnify ſecretaries of ſtate for ſuch commitments in *treaſonable caſes*, and to limit their powers *by law*, but the houſe of commons refuſed to give any ſanction, any definition to ſuch powers, *even by* limiting them; but reſolved, that the powers being ILLEGAL, the ſecretaries of ſtate, exerciſing them at their PERIL, ſhould be juſtified only by the caſe.

Next, as to the trials depending in the courts below, the queſtion of the warrants has not yet come in *iſſue* before the court. In one trial only brought by Leach againſt the meſſengers, they defended themſelves umder the warrant; the judge was of opinion, that the warrant was *illegal*; and the jury found, that though the warrant had been

legal,

legal, the meſſengers had not proved their juſtification: ſo that the *fact* being found againſt them, as well as *the law*, no exception could lie as to the warrant. Mr. Wilkes's action againſt lord Halifax may bring the matter in queſtion; but privilege on the ſide of the ſecretary of ſtate, and inability on the ſide of Mr. Wilkes, have hitherto prevented the trial of this, and *may* for ever prevent bringing the matter before the court, ſo as to receive a judicial determination. It can therefore *ſcarcely* be alledged, that the matter *is* depending, and *ſub judice*. But ſurely if it *were*, the recollection of the enquiry into Mr. Wilkes's caſe, in the beginning of the ſeſſion, of the parliamentary reſolution, ſentence, and puniſhment of him, when the matter was *indiſputably* DEPENDING, and *ſub judice*, (an information being at the time filed againſt him in the court of king's bench, without a poſſibility in Mr. Wilkes to prevent the matter from coming to trial) muſt be ſufficient to determine the propriety of our coming to a reſolution upon this occaſion, although ſuits *were* depending in the courts of law.

It appears then, that a ſecretary of ſtate arming his meſſengers with extraordinary juriſdiction and powers, on the occaſion of a libel, directs them having no information himſelf, to *get* information, (from Mr. Carrington if they could) and to exerciſe theſe powers in ſuch a manner, and againſt ſuch perſons as their informer ſhould think fit to adviſe. By means of this power, which REGAL AUTHORITY itſelf could ſcarely delegate, (which I might have felt, and might have reached *you*, however diſtant or innocent) ſeveral of his majeſty's innocent ſubjects were oppreſſed; till at length the whole weight of this power, grown *impatient*, and *diſdaining* the trouble of a *ſecond* warrant, fell, by a *verbal order*, on Mr. Wilkes, a member of parliament.

ment. To which may be added, that unprecedented and preſumptuous attempt, by which the operation of the HABEAS CORPUS act was *evaded*, and that great bulwark of our liberties rendered of no effect. In *ſuch* a caſe, and in the courſe of *ſuch* an enquiry, *originally introduced by the* CROWN, the houſe finding that ſuch and ſuch proceedings had happened, I could not conſent; I am ſure you would have thought me wanting to my country and to my duty, if I had approved of paſſing theſe things over in ſilence, without endeavouring to prevent them for the future, and without coming to a ſeaſonable parliamentary reſolution upon the queſtion, leaving nothing to poſterity, in the votes of the houſe, but what furniſhes, from the nature of it, the only precedent, perhaps, upon record concerning this matter, in favour, as it certainly is *at preſent*, of the validity of ſuch warrants. I have given you now, I hope, a ſatisfactory account of this great matter.

I am, Sir,
Your moſt obedient ſervant,
GEORGE YONGE.

London,
April 24, 1764,

To Mr. Richard Northcote, *portrieve of Honiton.*

On lord HALIFAX *ſtanding out againſt the laws and in* CONTEMPT *of the king's courts of juſtice.*

'Liberty is the Engliſh ſubject's *prerogative*.'
DRYDEN.

NOTHING can give a man of unprejudiced obſervation ſo much reaſon to be diſſatisfied with the conſtitution of this country, as that wanton and capricious interpoſition of prerogative on the part of the crown; which (it muſt be confeſſed) is in ſome caſes ſufficiently counteracted by the privilege

vilege of parliament, and liberty of the ſubject, but which at the ſame time in other caſes, and thoſe too of the laſt moment to the individual, we admit with implicit confidence, without limitation, and without appeal. Can ſuch admiſſion be countenanced by a conſtitution, where the rights of the crown, and thoſe of the people are ſo equally adjuſted, and where the extenſions of power attempted on either ſide, are ſo ſure to be reduced by the jealouſies of the other? I anſwer with diffidence and diſtinction: ſuch admiſſion is not countenanced by the ſpirit of our conſtitution, but *prima facia*, is in great meaſure connived at by the latter. For inſtance, lord Halifax has been ſummoned; has refuſed to appear; his goods have been diſtrained, and forfeited to a conſiderable amount. Thus far the law; thus far the wiſeſt and beſt judge that ever ſat upon the bench, my lord chief juſtice Pratt. But alas! mark the conſequence; the forfeiture above-mentioned is depoſited——Where? ——is it veſted in that court of juſtice, which, as it holds in itſelf the indiſputable property of this affront, has at the ſame time ſome degree of right to hold in itſelf, and to apply with its own diſcretion to the ſecurity of a legal privilege ſuch forfeiture awarded, as it muſt have been by its own ſentence?——No—it is veſted in the right of prerogative. His preſent majeſty, (happily for us, and for Bolingbroke's induction from ſuch premiſes, which he applies with a great deal of good humour to every crowned head indiſcriminately, not to the perſon only, but to the name; happily, I ſay, for his argument, and our ſecurity) is a p triot king, not blindly attached to the intereſted views of a deſigning favorite, but jealous of every miniſterial encroachment upon the ſtability of the public weal, in which, and only which, his own conſtitutional rights, his own prerogative, his own credit, his

own

own ſafety, are, and muſt be underſtood. But let us quit the truth for once, and by way of argumentative poſition, let us ſuppoſe a Stuart ſitting upon the throne. Shall ſuch a king then be empowered, by ſecret colluſion between the offender and himſelf, to deliver back the goods ſo forfeited in purſuance of a legal ſentence, but depoſited as they are, in his own coffers, and in conſequence ready at his hand, to the ſubject of ſuch diſtreſs the defendant himſelf——? Shall ſuch a king reſerve to his own perſon, in right of prerogative, a right to annull the purpoſes, at which, in this caſe, the law is pointed? I mean a neceſſity of the culprit's appearance in order to a trial: ſhall this eſſential privilege of legal proceſs be refuſed the plaintiff in the moſt momentary part of right and juſtice? Shall this refuſal meet with countenance from prerogative? Is ſuch prerogative inherent in the perſon of kings by right divine (let me ſift this caſuiſtry to the bottom) or is it a grant from the people? Are the rights, which ſuch a grant has veſted in the king's perſon, to ſet the claims of injured juſtice at defiance, or rather to corroborate, by the ſanction of their name, the privileges of the ſubject, as well as thoſe of the king? A power of diſtreſs has been claimed, and execution of ſuch diſtreſs has been awarded by courts of juſtice, time out of mind: ſuch a power was of the wiſeſt, as well as the earlieſt inſtitution. What caſe does it reach ſo properly as that of ſuits preferred againſt members of parliament, which can never admit the perſonal arreſt of the defendant? *nil fuit unquam ſic impar ſibi.* How contemptuouſly was privilege treated in Wilkes's caſe! How is it coaxed and ſtroaked, and clapped upon the back in the caſe of lord Halifax! But I aſk that noble lord's pardon for having aſſerted that he has refuſed to appear; I have juſt heared that he has engaged to appear.—

What

What time has he fixed upon for his appearance? Why juſt the time, when parliament will be ſitting, and no writ of ſummons can hold againſt his plea of privilege.——Is ſuch an engagement as this, which laughs at itſelf, to ſuſpend the execution of diſtreſs? Is law to be ſhuffled with, and judgment reduced to the neceſſity of action at a diſtant period of time, and at a time too, in which all its efforts to ſecure appearance, ſhould he at ſuch time recede from his verbal, or even written engagement, muſt be null and void?

'O my poor country, ſick with foreign blows,
'How wilt thou ſpeed when riot is thy care!'

BRUTUS.

For the ſatisfaction of the reader, it may not be amiſs to give a ſhort ſtate of the caſe between John Wilkes, *Eſq; and the Earl of* Halifax.

WILKES, Eſq; againſt the earl of Halifax and the three meſſengers, who executed the general warrant. Original was ſued out, teſted June 1, and returnable June 19, 1763; and the earl being ſummoned, caſt an eſſoign, which was adjourned till Nov. 18.——Then comes in privilege; which being at an end, and all the eſſoigns expired, a diſtringas was taken out, teſted May 9, 1764, returnable May 27.——The ſheriff returns 40s iſſues.——The earl does not appear.——The court directs 50l. iſſues.——An alias diſtringas is taken out, teſted May 30, and returnable June 18. ——The ſheriff returns his iſſues.—The earl ſtill refuſes to appear.——The court orders 500l. iſſues. —A pluries diſtringas is taken out, teſted June 22, and returnable July 8.——In November (1764) Mr. Wilkes was outlawed; which was what the earl waited for; and here the affair dropt. The

laws were trampled upon to get at one individual; and again, trampled upon to ſcreen another.—— Was this juſtice?

The following are the letters which paſſed between Mr. Pitt, *(now lord Chatham) and Mr.* Allen, *on the ſubject of the Bath addreſs on the Peace.*

Hayes, June 2, 1763.

Dear Sir,

HAVING declined accompanying Sir John Sebright in preſenting the addreſs from Bath, tranſmitted to us jointly by the town clerk, I think it, on all accounts, indiſpenſibly neceſſary that I ſhould inform you of the reaſon of my conduct. The epithet of *adequate* given to the peace, contains a deſcription of the conditions of it, ſo repugnant to my unalterable opinion concerning many of them, and fully declared by me in parliament, that it was as impoſſible for me to obey the corporation's commands in preſenting their addreſs, as it was unexpected to receive ſuch a commiſſion. As to my opinion of the peace, I will only ſay that I formed it with ſincerity according to ſuch lights as my little experience and ſmall portion of underſtanding could afford me. This conviction muſt remain to myſelf the conſtant rule of my conduct; and I leave to others, with much deference to their better information, to follow their own judgment. Give me leave, my dear, good Sir, to deſire to convey, through you, to Mr. Mayor, and to the gentlemen of the corporation, theſe my free ſentiments; and with the juſteſt ſenſe of their paſt goodneſs towards me, plainly to confeſs that I perceive I am but ill qualified to form pretenſions to the future favour of gentlemen, who are come to think ſo differently from me, on matters of the higheſt impor-

importance to the national welfare. I am ever, with reſpectful and affectionate eſteem,

My dear Sir,

Your faithful friend,

and obliged humble ſervant,

Signed W. PITT.

Lady Chatham joins with me in all compliments to the family of Prior Park.

To Ralph Allen, Eſq;

Prior Park, June 4, 1763.

My deareſt Sir,

IT is extremely painful to me to find by the letter which you was pleaſed to ſend to me the 2d of this month, that the word *adequate* in the Bath addreſs has been ſo very offenſive to you, as to hinder the ſincereſt and moſt zealous of your friends in the corporation from teſtifying for the future their great attachment to you.

Upon this occaſion, in juſtice to them, it is incumbent on me to acquaint you, that the exceptionable word does not reſt with them, but myſelf; who ſuddenly drew up that addreſs, to prevent their ſending of another, which the mayor brought to me, in terms that I could not concur in; copies of the two forms I have taken the liberty to ſend to you in the incloſed paper for your private peruſal; and Sir John Seabright having in his letter to Mr. Clutterbuck only acquainted him, that in your abſence in the country he delivered the addreſs, I ſhall decline executing of your commands to the corporation on this delicate point, unleſs you renew them, upon your peruſal of this letter, which for ſafety I have ſent by a meſſenger, and I beg your anſwer to it by him, who has orders to wait for it.

Permit me to ſay, that I have not the leaſt objection to, but, the higheſt regard and even veneration for your whole conduct; neither have I any apology to make for the expreſſion in which I am ſo unfortunate to differ from you. And with the utmoſt reſpect, affection, and gratitude, you will always find me to be,

My deareſt Sir,

To the Right Hon.
Mr. Pitt.

Your moſt humble,
and obedient ſervant,
Signed R. ALLEN.

The beſt wiſhes of this family always attend lady Chatham.

R. A.

Hayes, June 5, 1763.

My dear Sir,

I AM ſorry that my letter of 2d inſt. ſhould give you uneaſineſs, and occaſion to you the trouble of ſending a meſſenger to Hayes. I deſire you to be aſſured, that few things can give me more real concern, than to find that my notions of the public good differ ſo widely from thoſe of the man, whoſe goodneſs of heart and private virtues I ſhall ever reſpect and love. I am not inſenſible to your kind motives for wiſhing to interpoſe time for ſecond thoughts; but knowing how much you approve an open and ingenuous proceeding, I truſt that you will ſee the unfitneſs of my concealing from my conſtituents the inſurmountable reaſons, which prevented my obeying their commands in preſenting an addreſs, containing a diſavowal of my opinion delivered in parliament relating to the peace. As their ſervant, I owe to theſe gentlemen an explanation of my conduct on this occaſion; and as a

man

man not forgetful of the diſtinguiſhed honour of having been invited to repreſent them, I owe it, in gratitude, to them, not to think of embarraſſing and encumbering, for the future, friends to whom I have ſuch obligations; and who now view, with approbation, meaſures of an adminiſtration, founded on the ſubverſion of that ſyſtem which once procured me the countenance and favour of the city of Bath. On theſe plain grounds, very coolly weighed, I will venture to beg again that my equitable good friend will be ſo good to convey to Mr. mayor and the gentlemen of the corporation my ſentiments, as contained in my letter of the 2d inſtant.

I am ever, with unchanging ſentiments of reſpect and affection,

My dear Sir,
Moſt faithfully yours,
W. Pitt.

Prior Park, June 9, 1763.

My deareſt Sir,

WITH the greateſt anxiety and concern I have, in obedience to your poſitive and repeated commands, executed the moſt painful commiſſion that ever I received.

Upon this diſagreable occaſion give me leave juſt to ſay, that however different our abilities may be, it is the duty of every honeſt man, after he has made the ſtricteſt enquiry, to act purſuant to the light which the ſupreme being has been pleaſed to diſpenſe to him; and this being the rule that I am perſuaded we both govern ourſelves by, I ſhall take the liberty now only to add, that it is impoſſible for any perſon to retain higher ſentiments of your late glorious adminiſtration than I do, nor can

be with truer fidelity, zeal, affection, and reſpect, than I have been, ſtill am, and always ſhall be,

My deareſt Sir,

To the Right Hon. Your moſt humble,
Mr. Pitt. and moſt obedient ſervant,
Signed R. ALLEN.

The beſt wiſhes of this family wait upon lady Chatham.

Remarks on the preceding letter.

I Cannot forbear taking notice of that arrogant letter of Mr. Pitt's to the corporation of B. wherein, amongſt many other abſurdities, he not only ſays, that he can never think of repreſenting that city in parliament again, on account of its having, like many other loyal ones, addreſſed his majeſty on the peace: a peace as he ſays he warmly oppoſed in parliament; but likewiſe writes in a ſtile, as though he thought he did his conſtituents great honour in repreſenting them. Let any of his friends or followers, if they can, deny, that the preſent treaty of peace is more advantageous to Great Britain, than that which he, *infallible* as he ſeems to think himſelf, would have concluded when in power: how inconſiſtent has his conduct been of late! He may now indeed be juſtly eſteemed what a certain colonel, now deputy governor of Minorca, called him in a certain honourable houſe: he now truly, laying patriotiſm aſide, proves himſelf an incendiary, and an heap of contradictions.

An Impartial Spectator.

Reply

Reply to the above remarks.

I CANNOT forbear taking notice of that arrogant, but ſilly and impertinent *letter of Mr. An Impartial Spectator,* as he moſt falſely calls himſelf, publiſhed in your paper of this day; *wherein he ſays* nothing but *abſurdities* and equivocations, which detect and confute themſelves. I do not wonder that he and thoſe who pay for the ſquibs of his hired *impartiality* are vexed that Mr. P. is ſo INDEPENDENT that he can tell his conſtituents he will not repreſent them again. How many of thoſe who gave a venal vote of approbation of the peace he *warmly oppoſed* dare hold that language? Even the firſt lord of the treaſury has, on occaſion of changes of office made to accommodate his vacillant timidity, and reward his ſervile compliance, been thrice re-elected in one year, for a borough which would not have choſen him once, if a generous brother had not (with a noble contempt of his experienced ingratitude, and ſtrong feelings of the affection he had forfeited, yielded to the ſupplications he was mean enough to renew; and reſpect to the decency to the king's ſervice, from which he himſelf ſtood expelled, for his ſpirited oppoſition to the tyranny of a *favourite,* who was deſtroying his country that he might enſlave it; as well as from the requeſt of their common and great ally who was in the ſame ſituation, but could not be provoked to withhold his earneſt ſolicitations, which were as unmerited as the favour they obtained) conſented that he ſo often ſhould offer his ſervice to the corporation where he could not make a vote, as the only way he had to avoid the diſgrace of being forced, when in the higheſt employment in the kingdom, to *beg* a ſeat in parliament from thoſe

whom he had before ſuffered to tread upon his puſillanimity, when he was ſacrificing the ties of nature, and the bonds of obligation, with the duties of patriotiſm, to ſupport the deſpotiſm of their ambition. How *many* are there of thoſe *loyal cities* of which your correſpondent ſpeaks, that have addreſſed his majeſty on the peace (that is, have, like the corporation of B. given the fictitious authentication of their ſeal to an addreſs deviſed or dictated by one man, perhaps ſome *ignorant* but *fortunate* tool of adminiſtration*) which, inſtead of *freely* chuſing an independent repreſentative, to maintain the

* The ſeal of the borough of W——, was put to an addreſs without the knowledge of more than three members of the corporation, the reſt diſavowing the felonious act when diſcovered. Addreſſes have been preſented from counties which never met to conſider of them, with ſubſcriptions mendicated from houſe to houſe of ſuch as could be prevailed upon to ſign them. Others have been ſurreptitiouſly procured from packed aſſemblies, to which thoſe only were ſecretly invited whoſe ſubſerviency to a job was ſecured, and oppoſed by the others accidentally preſent. Some have been ſigned in the name of the whole, by one perſon, to whom it was referred to compoſe the addreſs as he pleaſed, without ſo much as ſhowing it to thoſe who delegated to him that extraordinary power. Such facts tranſpire by chance; but the true hiſtory of the ways and means of modern addreſſing would be a work not leſs curious than inſtructive. Quere, what is the intrinſic value of ſuch addreſſes, as being the voice of the countries from which they come? Is this informing the crown of the true ſenſe of the PEOPLE, taken in a candid and conſtitutional manner; or is it buoying up the power of a contemptible adminiſtration, whoſe credit and popularity are alike low, by impoſing on the king the ſuppoſitious fruit of miniſterial influence for the genuine ſentiments of honeſt and enlightened patriots? Are not the negative reſolutions of the city of London, and the counties of York and Surry, made in oppoſition to the moſt ſtrenuous efforts of power, and the moſt ſubtle arts of influence, upon fair trial, and full deliberation, of more importance than hundreds of approbations, *begged*, *bought*, *procured*, and *compelled*, in the manner practiſed of late? Let as many as *can*, of thoſe who voted to approve the peace, tell their conſtituents they did it *not* according to their *fears*,

the true intereſt of their country, do not ſell to the higheſt bidder a capacity of carrying to market the honour of the crown, the rights of the people, and the glory of the nation? It is, to be ſure, a great pity that Mr. Pitt ſhould *write in a ſtile* that is offenſive to this *autocritic*, who takes upon him to pronounce upon things with a very ſelf-confident air of importance, notwithſtanding the reproof, which, with no ſmall degree of inſolence, he preſumes to adminiſter to the pretenſions of *infallibility* that he affects to impute to one much beyond the ſphere of his aſpiring judgment: but certainly Mr P. muſt have been unreaſonably ſelf-denied, or have forgot the true dignity of character with which his country has deſervedly ennobled him, if he had deſcended ſo far as to write in any other ſtile than that he did uſe (if it were fairly repreſented) to even the reſpectable corporation of Bath, which receives a great addition of luſtre from its lodging all its active powers, and all its faculties of acute diſcernment in the ſole perſon of the great Mr. Allen. Mr. pretended *Impartial*, has learned his notions of *honour* in a ſchool where merit did not bear the palm, if he does not think it would

expectations, or *b—bes*; and by comparing their number with thoſe who do ſay, and can with truth ſay, as Mr. George Onſlow, who is truly honourable without the poſt he was too worthy to be ſuffered to enjoy, has done, in the face of his conſtituents and in defiance of corruption and tyranny, that he voted according to his conſcience, and in ſo doing brought upon himſelf miniſterial vengeance, the public will ſee upon what ſide the virtuous and laudable majority was. The fruits of the peace, if they yet continue without infraction, or ſhall remain ſo as long as to ſee the *pacta conventa* of the definitive treaty carried into execution, will be a more inconteſtable proof of the judgment and integrity of thoſe who made and approved, or of thoſe who oppoſed and condemned it, than the falſe adulation of addreſſes, as venal, and deſpicable, as the corruption, and incapacity, of thoſe who ſolicit and procure them, is criminal and contemptible in the eyes of the ſound part of the nation, which nauſeates the ſtench of the rotten perfume.

would be an honour to any corporation in England, to be repreſented by the man, who, by the unanimous voice of the commonwealth, was called upon to ſteer the helm of a ſtaggering ſtate, and did, by the aſtoniſhing energy of his ſpirit, and the unparalled ſuperiority of his talents for government, *ſave* his *country*; the unexampled reputation of which, acquired under his conduct, will add to the juſt tribute of praiſe already beſtowed both by *king* and *people*, a monument more durable than braſs or marble, to perpetuate the fame of his glorious and *uncorrupt* adminiſtration, in the *faithful* page of an almoſt *incredible* hiſtory, that future ages will read, with grateful admiration, of his virtue and abilities; and with due reſentment againſt the rotting memory of the parricides who ſacrificed the immortal work of his hands to an infamous luſt for the power he diſdained to hold longer than he could employ it effectually to humble the enemies, and ſecure the intereſt of the nations he had delivered from ruin and deſpair. *Let any of the* deceived and ſeduced, or corrupted *friends or followers* of thoſe who pay this *Pſeudo Spectator* who writes this to you, Mr. Printer, *if they can*, demonſtrate, againſt the unbiaſſed conviction, expreſſed from all corners of the kingdom, and the irrefragable proofs and arguments of the writings publiſhed, pending the negociations, what the miniſterial ſcribblers *now* pretend to aſſert, while others, with good reaſon deny it, that the late treaty of peace (which the nonſenſe of this correſpondent, who ſays he is your conſtant reader, calls the *preſent*, as if it was not yet finiſhed, or becauſe perhaps it is already annulled by infraction) is *more advantageous to Great Britain*, and that which he, who, to the writer's own reproach only, is contumeliouſly ſaid *to think himſelf infallible*, but who proved himſelf to be among the *leaſt fallible* politicians, and the moſt honeſt ſtateſmen that have

adorned

adorned this or any country, *would it is ſaid have concluded*, when in power. Only let thoſe who authorize themſelves to ſit in judgment upon ſo important a queſtion, produce more indiſputable credentials of their ſkill to decide, than have yet appeared on that ſide, and lay before the world the evidence upon which they ground their determination, without the diſguiſe which the weakneſs of the cauſe has hitherto obliged ſuch *undertakers* to uſe: and let them, above all, be honeſt enough to take into the account the charge of circumſtances between the two periods of time; the additional burden and expence England had incurred in her own juſt and neceſſary defence; and the further means of doing juſtice to herſelf, which the reluctant continuation of the war had, at a vaſt expence of blood and treaſure, put into her hands, by the miraculous interpoſition of providence ſuſpending the ordinary courſe of nature, or an intemperate climate, to correct the blunder of procraſtinating councils, which muſt otherwiſe have proved fatal to the deſign, and ſeconding the heroic efforts of invincible bravery, in an army ſuffering the ſevereſt hardſhips, and pouring out their lives to make acquiſitions, which thoſe who ſent them to the butchery, were in the inſtant negotiating away upon the moſt inadequate conditions.

This *Spectator faſtidioſus & ſibi moleſtus*, in a vain exclamation, aſks, *how inconſiſtent has his* (i. e. Mr. P—'s) *conduct been of late!* But the truly concerned patriot-beholders admire the conſiſtency and moderation of the renowned citizen, who has been venerably illuſtrious in a private ſtation, ever ſince he was driven from the charge, which has been worſe than vacant from the time it was taken from him. Like another Roman, he has been retired at his plough; and when in the ſenate, he has oppoſed the enemies of their country alike as of himſelf,

ſelf, with nothing but better council than any they could give, and too good for them to follow, tho' liſtened to with admiration and applauſe by all but thoſe, to whom it was a mirror to ſhew their own imbecility. Whatever a certain colonel, who your correſpondent *ſays is now deputy-governor of Minorca* (which muſt be a miſtake, as the gentleman in that office never ſat in the place referred to, and probably means another colonel, lately appointed governor of a caſtle in the North, as a reward for *acting* the *hurtleſs* bully on a particular occaſion) whatever this colonel *called* Mr. P— in a certain honourable houſe, which was ſo diſguſted with the indecency of his firſt *cut* of ſcurrility, that the ſecond attempt was drowned in an univerſal cough and ſhuffle of the feet; the admirers of that great man will leave the proficients in Billingſgate to *call names*, which thoſe who employ them deſerve; and regard his actions, which ſtamp a character as far beyond the reach of ſuch bablers, as the moon is above the barking of the little cur, being *now indeed juſtly eſteemed* one of the firſt men of the age: *he now truly* adheres to *patriotiſm*, which a ſucceeding and opponent miniſter cannot be ſaid to *lay aſide*, only becauſe he never took it up; and continues to *prove* himſelf, inſtead of an *incendiary*, the wonderful artiſt to extinguiſh the fire that devours his country, and a very conſtellation of virtues and accompliſhments; while it is evident beyond diſpute, that the unpopular *favourite*, who envies the greatneſs he cannot rival, is the fire-brand which kindled the raging flame, and is in truth a bundle of abſurdities, though he cannot be called *an heap of contradictions*, not having ever done any good to contraſt the miſchief the nation has ſuffered by him, which is a merit Mr. *Impartial Spectator*'s own figure does not deny to Mr. P—, amidſt all the fury of his impotent malice. TALLIO.

Vindi-

Vindication of the peace propoſed by Mr. Pitt.

——— *fuit hæc ſapientia quondam,*
Publica privatis ſecernere, ſacra profanis.
HOR.

THE effects of actions demonſtrate their tendency; but it is the intention and deſign of them that mark the character, and prove the ſpirit of the agent. The more cloſely the conduct of the miniſter, who *ſtill* continues to *act*, though not to *appear* as viſibly as before he reſigned his office, is examined, the reſult will be more firmly to convince the impartial obſerver, that the *principle* of his adminiſtration was a determined purpoſe to make peace at any rate. He ſaw it was the only *chance* he had of ſecuring to himſelf the abſolute domination over this country, to which he aſpired; and which, it is well known, he had projected, before the commencement of the preſent reign unlocked the priſon of his ambition, that had been working deep under-ground, when it could not act above-board. It has indeed been pretended that he was forced to take the reins of government into his hands, to do the kind office to the nation, which no other would undertake, of putting an end to a bloody and conſuming war; and that he even ſtipulated with the —— for leave to retire as ſoon as he ſhould have executed that generous and arduous enterprize, for the ſalvation of a ſtate *ruined with ſucceſſes*. Of this, however, we heard nothing, till the involuntary abdication *ſeemed* to take place; when it was circulated with all the exactneſs of written orders from a commander in chief, by the buſy emiſſaries of the retired leader; and every ſign and appearance attending the riſe and operations, and even the ſurrender of the power that was interred

terred with as great *ceremony*, and no more *reality*; than nuns are when they take the *veil*, muſt, upon the ſlighteſt reflection, have convinced thoſe who knew the leaſt of the ſchemes that had been meditated by the *favourite* before his viſible elevation, that the *miniſter* was but *hid* when he appeared to fall; and that his influence only ſtepped *behind* inſtead of giving way. Like one *trained to the theatre*, the proud *ſimular*, mimicking the comelineſs of dying for his country, concluded the *Patria-Tragedy* by *feigning* to expire upon the *ſtage*, but *acted* the ſlain *hero* ſo ill as to diſcover the motions of the living *Cadaver* even before the *curtain* was dropt. The wounds which he did *really* feel, received in a ſharp engagement, and not alleviated by a miſerable victory, ripened the reluctant purpoſe of putting an end to his *public* miniſtry, as the only means left of enjoying the fruit of his *ſecret* credit: and, if any thing was wanting to conſummate the character of his adminiſtration, he finiſhed it with a ſolemn ſacrifice of honour and veracity offered up by a w——man, to atone for the folly and imprudence of a weak miniſter*.

A good peace was the greateſt bleſſing the nation could have deſired, and a legitimate ſhare in making it, an honour unworthy of no ambition: but to ſupplant the patriot and popular miniſter, who had the beſt title and the fitteſt capacity to complete the glory of the war he had ſo happily conducted, in order to raiſe a pillar of fame upon his *borrowed* foundation, was a meanneſs incident to pride, and

* *Quere.* Who aſſured a certain great aſſembly, upon his honour, that it was a *factious lye*, that ever he had promiſed his endeavours to procure a repeal of the cyder act, if the city of London would agree not to petition the king againſt paſſing it; a fact eſtabliſhed to the ſatisfaction of every body, by the enquiry made in the Common Council, which clearly ſhewed who was the *lyer*!

and inconſiſtent with merit. To conclude an *inadequate* peace, on purpoſe to ſuperſede unrivalled *talents for war* (which envious detraction itſelf allows to the induſtrious ſtateſman who was thrown out of the ſervice of his country when in poſſeſſion of its higheſt confidence and favour, merited by the wiſe counſels, ſpirited operations, diſintereſted conduct, and incorrupted purity of his adminiſtration) was making a *property* of the nation; ſacrificing its glory and intereſt to the arrogance and ambition of an incapable miniſter: and betraying the faith of the throne, which ſtood pledged that no terms ſhould be yielded to, but ſuch as were juſt, honourable, and ſatisfactory.

No war is juſtifiable which is not carried on with a view to make peace as ſoon as it can be done with ſafety: but that peace promiſes very little to be good, which is not its own *chief end.* The principal aim of an action muſt always have the prevailing influence in the choice and uſe of the means employed to accompliſh it. When peace is degraded from being the primary object of itſelf, and purſued by a miniſter for the ſake of ſome other end which is chiefly in his view, that to which it is made ſubſervient will govern the conduct of the negotiation; and the conditions of the treaty, bend to the deſigns which the miniſter who makes the peace means by it to promote or ſecure for himſelf, in oppoſition to the intereſt of his country. Invincible neceſſity itſelf is hardly a greater enemy to the happy concluſion of an unfortunate war, than the ſelfiſh and intereſted views of thoſe poſſeſſed of the power of a proſperous country, entitled to dictate terms of reconciliation to the enemy, when it happens that the continuation of the war is incompatible with their retaining the power they have in their hands. Where patriotiſm is the prevailing principle, ambition, reſentment, and conqueſt, will

yield

yield to the bleſſings of peace, and an honeſt concern for the nation, command every reaſonable conceſſion that can ſmooth the way to it: but the deſire of reſtoring peace, when founded only in a regard for the happineſs to be derived from it, and not compelled by the unſurmountable difficulties of war, will not induce the moſt pacific miniſter, who has nothing at heart but the welfare of his country, to ſacrifice its juſt rights and claims, or to depart from a reaſonable ſecurity of its eſſential intereſts, to attain a tranſient and uncertain tranquility.

An argument which has been much urged in favour of the miniſter who made the peace, is, 'that it was *more advantageous* than that which 'Mr. Pitt *would* have made when he was in power.' If conſiſtency could be expected where truth is deviated from, ſuch an apology would never have been made; for it, at once, cuts up by the roots the great pretence of merit in lord Bute's undertaking to put an end to the war, becauſe no other body would; ſeeing it clearly proves that Mr. Pitt was very much diſpoſed to have made a peace if he could: and ſo far it is true, that the peace which that great miniſter would have agreed to, was not the peace he himſelf wiſhed, and thought the ſituation and claims of this country were entitled to. He publicly declared in a certain aſſembly, where he might, if he could, have been contradicted, that inſtead of courting a breach with Spain (which was alledged in proof of his love of war) he had rather riſked his reſponſibility by forbearance towards that haughty court; and inſtead of retarding a peace with France, he had, to preſerve harmony at home, and to accelerate an end to the burdens of war, been over-perſuaded by thoſe with whom he ſerved in the adminiſtration, to yield to conceſſions he could not approve, and which he hoped no miniſter

ter would again venture to agree to. Mr. Pitt is repreſented as the *inflexible* miniſter, whom no peace would content, becauſe he wiſhed for none: He is the *miniſter of war*; blood is his element; conqueſt his rage; and battles his food! Yet, to *eke* out the praiſe on lord Bute's peace, it is called *better* than Mr. Pitt's would have been. So that Mr. Pitt was ſtill more *pacific* than lord Bute; and not ſo attentive to the national intereſt in the terms he agreed to. How conſiſtent theſe!

It is indeed but *falſe* luſtre which a *foil* gives; and if it is the beſt thing that can be ſaid for the peace, that it is not the worſt that might have been made, or not quite ſo bad as another would have concluded, it is but a poor commendation; and a ſorry ſatisfaction for the blood and treaſure that have been expended to procure it. The aſſertion, however, that 'the peace is more advantageous than 'that Mr. Pitt would have made when in power,' is only a ſtricture of faſhionable *fallacy*: A *relative advantage* may be a *real damage*: Many things that are *better* than others, are yet in themſelves very *bad*. To make a fair compariſon between Mr. Pitt's treaty and lord Bute's peace, the nation muſt be put into the ſame circumſtances, both of *coſt* and *conqueſt*, at the time of the one as of the other.

For there may be *more acquired*, and yet *leſs gained*, when the account is fairly balanced. The *moſt advantageous* terms may be the *leaſt adequate*, when all circumſtances are duly conſidered. Conditions that are *in themſelves* moſt lucrative, may be of the ſmalleſt profit, and the moſt *unſuitable*, when eſtimated by an equal rule of proportion, and judged of by the true ſtandard of ſituation, capacity, and opportunity. If the late peace is brought to this teſt, it will be a hard taſk to prove the ſuperiority; and not very eaſy to demonſtrate

the equality of the terms of it, to thoſe adhered to by Mr. Pitt, in the former negociations.

The reaſon of Mr. Pitt's not *agreeing* to *farther conceſſions*, and of lord Bute's not *inſiſting* upon *greater advantages*, is to be found in their different characters, and the *oppoſite principles* by which they were led. The *one* could not be more eager to have *any*, than the *other* was deſirous to have a *good* peace. Mr. Pitt was anxious to relieve his proſperous but bleeding country, from the burdens and hardſhips of a heavy, though ſucceſsful war: lord Bute was ſolicitous to reſcue his own unpopular and unſtable adminiſtration from the perils and dangers of diſtracted councils, difficult undertakings, and doubtful ſupport. The *great miniſter*, inſenſible to intereſt, but inſeparable from integrity, with his *patriot* principles, ſeconded by abilities, and ſuſtained by reputation, ſpread terror abroad, and diffuſed aſſurance at home: conſcious of the ſtrength, and confident of the aſſiſtance of his country; tender of its force, but tenacious of its rights; truſting to the juſtice of the cauſe, and encouraged by the experience of the vigour of England; had *firmneſs* to reſiſt the inſidious offers of an humbled enemy, and *courage* to deſpiſe the inſolent threats of a haughty court: founded upon theſe pillars, his reſolution was bold, and his ſpirit unſhaken, *equally* to engage a formidable league, as to contend with a ſingle power; therefore he was not terrified to accept of inglorious or inadequate terms of peace; but, with magnanimous intrepidity, ſtaked his favour with the people, and ventured his influence with the prince, in timely breaking off the negotiation with the French king, and adviſing, NOT a *precipitate rupture*, BUT a *categorical explanation* with the Spaniard; and his name is illuſtrated in the annals of fame, by the *pitiful* and *perſonal* reſentment of thoſe two crowns levelled at him, as the

miniſter

miniſter of this kingdom, in whom they dreaded the bravery of the nation. The *little minion* attached to power, and accuſtomed to arrogance, the ſlave of ambition, and mancipated to tyranny, feeling his own incapacity, and preſſed with his danger, without character and credit, deſtitute of the abilities, and deprived of the counſels, of which he had *rid* himſelf, and robbed the throne; proud of royal captivity; favouritiſm his foundation; corruption his reſource; deaf to the cries, and dead to the love of the public; purſued with the diſregard, and perſecuted with the deriſion of the people; the contempt of the wife, and the ſcorn of the witty; the prop of Jacobites, and the tool of Tories; a ſcourge of Whigs; an oppreſſor of liberty; intoxicated with the ſway of a court, but mortified with the diffidence of the common-wealth; generally hated, and almoſt univerſally diſliked; what *would* he, what *could* he do? Juſt what he did. Unequal to the charge he had *fondly* undertaken; too weak for one war, and cruſhed with the weight of a duplicate; he muſt reſign his poſt, or *reſpite* hoſtilities. His determination was according to his delight: he loved power, and therefore begged peace. An indifferent one he knew he could ſoon, and without much conteſt make; and he durſt not venture a diſpute or delay for a better; ſo he *wrote* away the acquiſitions of the war, and what might have been the ſecurity of a peace; and with the blundering daſh of a pen diſhonoured the crown, diſgraced himſelf, and diſcontented the nation.

The *principle* of this conduct was very bad, but it was ſenſible, and founded in experience. They are very ignorant who do not know the difference there is to a miniſter between peace and war. It is of importance even in arbitrary governments, but of irreſiſtible efficacy in this free country. Government ſupports itſelf in time of peace, and miniſ-

ters have leſs hard work to do, and no extraordinary demands to make, conſequently they have leſs dependence upon the people. In time of war it is quite otherwiſe. There is not only exerciſe for the firſt rate abilies, but large ſupplies muſt be raiſed; and if the people are not ſatisfied with the conduct of affairs, and have confidence in adminiſtration, they will not give their money if their repreſentatives ſhould vote credit for it, and the machine will come to a ſtand. This has, in former times, produced changes in the miniſtry at critical ſeaſons, and lord Bute ſaw his danger. To ward it off by concluding a peace was his ſole ſtudy; *that* the object of his whole ſyſtem. Power, corruption and art, ſupplied the place of ſound politics; and nothing that could by any device be removed, was ſuffered to obſtruct the neceſſary work of peace, if any way of *putting an end to a war* can be called by that comprehenſive name: neither the terms, the time, the manner, nor the means, were allowed to embarraſs, if the end aimed at could in any way be attained.

In this, as in other inſtances, we have a ſtrong proof how intimately the domeſtic and foreign affairs of a country are connected. The miniſter that purſues a bad ſyſtem at home, will very naturally, and muſt often neceſſarily adopt one that is erroneous abroad. As there is always an uniformity and conſiſtency in ſound politics, there muſt be ſome correſpondence in thoſe that are bad. The miniſter, for the ſake of his own purſuits at home, departed from the ſyſtem in which England was engaged, and ought to have purſued, with reſpect to foreign powers. If reverſing the natural and approved ſyſtem of a country, throwing off its beſt alliances, and wounding national faith and honour, is an offence, we know who may be charged with it. The circumſtances of perfidy and deceit attend-

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ing the behaviour towards ſome of our allies, as well as the end for which they were treated in the manner they were, conſtitute matter of heavy imputation, more than ſufficient, if there had been nothing worſe, to render any miniſter, acceſſary to it, unworthy of that truſt, and deſerving of a much greater cenſure than being removed from his ſovereign's *preſence* and councils for ever.

Conſiderations on lord Bute's *peace.*

Decipimur ſpecie recti. HOR.

GRatitude is far from being the moſt binding principle amongſt men; and it has the leaſt force with princes; as on the other hand, reſentment is one of the moſt powerful motives of their conduct: yet good, as well as bad offices, done by one country to another, do ſometimes in their turn meet with the recompence they deſerve. It is therefore the maxim of ſound politics in every ſtate, to oblige, rather than offend their neighbours: and the ſtore of favours conferred may juſtly be eſteemed part of the ſtrength of a nation. But it muſt be *tenere gratæ, compede vinctum.* The boaſting of favours always leſſens their value; and few things are more irritating, in the commerce of communities, as well as of individuals, than aſſuming the merit of doing a kindneſs, when there is not any either received or intended. To colour over injuries with that ſpecious name, is the moſt provoking indignity to human nature, and the higheſt affront to the princely ſtate.

Foreign connections are an eſſential part of the ſyſtem of all countries, and it is of real importance to the public, eſpecially in a government like this, where the ſenſe of the people has ſuch influence upon the conduct of adminiſtration, that miſtaken no-

notions do not prevail either as to the ties of friendſhip or the cauſes of alienation, which ſubſiſt between us and other powers; more particularly thoſe which are, or ought to be ſtrictly united with us, by the ſame intereſt in the common cauſe of liberty, and the proteſtant religion.

A letter publiſhed in your paper of the 23d inſtant, ſigned G. T. contains the following paragraph: 'As to the king of Pruſſia, I aſſert from 'the preliminaries again, and appeal to them, and 'fact alſo, that our court delivered him from the 'French army, and ſo enabled him to make a peace 'to his own ſatisfaction, which perhaps, he him-'ſelf thinks the greateſt favour we could have done 'him; for after all, he alone would have had but 'a poor chance againſt both France and Auſtria.'

The perſon who makes this aſſertion, certainly thinks that what he ſays ought to have been true; and the fact averred is ſo correſpondent to the natural ſyſtem of this country, that it is a pity there ſhould be any room to doubt it. If it be true that England has *done the greateſt favour* to the king of Pruſſia that ſhe *could do*, he is much obliged to her; if he *thinks ſo*, we may expect his grateful returns; and there ſhould now ſubſiſt a very cordial friendſhip between the two courts: if the caſe is different, the conſequence muſt be different; and they will be of greater or leſs moment, as the friendſhip of that prince is more or leſs valuable or deſirable to this nation. The fact therefore is well worthy of attention.

If England has done a very great favour to the king of Pruſſia, it has, it is believed, this *enhancing* quality, that the intention was unknown to him; for there is reaſon to think that the miniſtry of this country did not correſpond much with the court of Berlin, upon the treaty of pacification negociated at Verſailles: and it is pretty certain that, in re-

turn,

turn, the king of Pruſſia gave the court of London no communications of the treaty he concluded with the powers at war with him. There were not *then* nor are there *now*, any ſigns of ſuch a friendly correſpondence between the two courts: and there is too much cauſe to ſuſpect that his Pruſſian majeſty is nothing leſs than ſatisfied with the conduct of the Engliſh miniſtry, with reſpect to him and his concerns. Many, among whom there are ſome not of the leaſt diſcerning, find themſelves at a loſs to diſcover any thing in the *preliminaries* of peace between England and France (to which G. T. aſcribes the effect, inſtead of the *definitive treaty*, to which it has elſewhere, but with ſtill leſs colour of reaſon, been aſcribed) which gives ground to ſay, that WE *enabled the king of Pruſſia to make a peace to his own ſatisfaction.*

The effect of the preliminaries was rather too uncertain a contingent, before the definitive treaty was compleated, to produce ſo great a conſequence to a third power; and indeed they very nearly miſcarried altogether: but, at the beſt, they did not do what they *might*, and what in policy and good faith they *ought* to have done, towards facilitating a peace for the king of Pruſſia. They left him encumbered (in a manner never yet accounted for) with difficulties which they might eaſily have extricated him from, and which he himſelf removed by ſeparate and independent meaſures afterwards taken with France, much more efficacious to the end than any ſtipulation contained in the preliminaries.

If the inclinations of the miniſter who had the honour to make the peace are to be judged of from his conduct, we ſhall not ſee ground to believe he deſired to do any great favour to the king of Pruſſia. The preliminaries themſelves ſhew what favour he really did to him.

It was the miniſter who made the peace, that broke off the alliance with his Pruſſian majeſty, than which, never one was entered into more with the heart of this country; and it was with the approbation of *Leiceſter-houſe*, as well as St. James's. He broke it off againſt the opinion of the duke of Newcaſtle and thoſe other faithful counſellors who continued in his majeſty's ſervice, for ſome time after Mr. Pitt's reſignation, till they alſo were driven from court; as well as againſt the earneſt deſire of that great miniſter who had before been expelled from the cabinet. The Pruſſian miniſter then reſiding at this court was indeed amuſed with repeated aſſurances of the ſubſidy being continued; and thoſe who now ſerve the king, can tell if they were not parties to conferences and promiſes to that purpoſe. But, notwithſtanding theſe pretences, it was the fixed purpoſe of the miniſter, who was above all, and a part of the foundation of his miniſterial ſyſtem, to abandon that alliance, as a ſtep that was intimately connected with his other ſchemes. Miniſterial writers were hired to vilify and traduce the king of Pruſſia in the moſt ſcandalous manner, calling him by the infamous epithet of a royal *free-booter*, though he had been often ſtiled from the throne a magnanimous prince, and a good ally of the crown. They were prompted to maintain, that the bad faith practiſed towards him, was a duty to ourſelves, and juſtifiable by the law of nations.

This was not all. The world is much abuſed if there was not a correſpondence carried on with the court of Peterſbourg, in which the miniſtry of this country (moſt undoubtedly without his majeſty's knowledge, for reſpect to the crown obliges us to believe that) in which it was ſaid, or inſinuated, in very ſtrong terms, that we ſhould behold with concern the late emperor's of Ruſſia's withdrawing

withdrawing from the alliance, and recalling his troops from the aſſiſtance of the empreſs queen.—That this country did not wiſh that the king of Pruſſia ſhould be aggrandized at the expence of the houſe of Auſtria, but would rather deſire to ſee that power revert to its primitive electorate ſtate. If that fact is not true, the miniſtry of England ought to contradict it; for it is the language that comes from abroad, that his Pruſſian majeſty is poſſeſſed of authentic documents to ſhew it, tranſmitted to him from the court of Ruſſia. If it be ſo, there never was perhaps ſuch an inſtance of vile duplicity, except the ſtory told of queen Anne's writing *brotherly* letters to the pretender, when her miniſter was inſtructed to give the warmeſt aſſurances of her friendſhip at the electoral court of Hanover: and nothing could be more oppoſite to the natural ſyſtem of this country. Will it be believed that thoſe capable of ſuch a conduct, did, or could intend to do a favour to the king of Pruſſia?

Let us next ſee what England, in fact, did for his Pruſſian majeſty, upon which this aſſertion is founded, that *it was, and that perhaps even he himſelf thinks it was, the greateſt favour we could have done him.* By the preliminaries it was ſtipulated, that the French troops ſhould *evacuate* the territories and places belonging to the king of Pruſſia. Theſe the French king had declared he had conquered in the name, and held in behalf of, the empreſs queen. The ſtipulation was literally fulfilled, if the places were left to be taken poſſeſſion of by the empreſs queen's own troops. The profeſſed diſtinction between *evacuation*, which was all that was ſtipulated as to the Pruſſian territories, and *reſtitution*, which was the obligation as to Heſſe and Buckbourg, could mean or intend nothing elſe. This, therefore, was giving the em-

preſs

preſs queen the full benefit of the conqueſts made by her ally, and in her name, upon the king of Pruſſia; and, ſo far as England could do it, leaving the king of Pruſſia in as bad a ſtate as he was with regard to the empreſs, who was the power he was at war with. He had his dominions ſtill to *ſcramble* for, in the ſtile of the noble miniſter who uſed that ſtrange vulgar phraſe in a great aſſembly. So that it was, clearly, not the preliminaries that put him in poſſeſſion of the places which had been conquered; and the manner in which he did recover them, manifeſtly ſhews how *independent* he was *then* become of ſuch a vain and fruitleſs ſtipulation as that contained in the preliminaries. Thoſe places were agreed to be *reſtored*, and delivered up to the king of Pruſſia, inſtead of being ſimply *evacuated*, before the peace was made between Auſtria and Pruſſia, by virtue of a particular convention, made at the ſpecial inſtance of the moſt chriſtian king, between him and his Pruſſian majeſty: and the conſideration for the reſtitution, was the king of Pruſſia's conſenting to a neutrality for the Auſtrian Netherlands.

The convention itſelf ſhews the ſenſe that both the courts of Vienna and Verſailles had of the ſtrength of the king of Pruſſia, in the ſituation matters were then come to, not only to ſtand his ground againſt the empreſs queen in Germany, but to carry the war againſt her out of the empire; and conſequenly it goes far to prove, that, if the French troops had not been withdrawn, he might, as he then ſtood, have been able to have defended himſelf, and recovered what he had loſt in Germany. It cannot therefore, in that view, be ſaid, with any degree of juſtice, that it was our delivering the king of Pruſſia from the French army, that enabled him to make a peace to his own ſatisfaction.

It would be unfair (which alwas hurts an argument, as much as it is injurious to truth) to ſay that the king of Pruſſia derived no advantage from the French troops being withdrawn, in conſequence of the article of the preliminaries. It is extremely clear that the Engliſh miniſtry was very little concerned about his intereſt, when they contented themſelves with ſuch a ſimple ſtipulation about his territories. But whatever were their diſpoſitions, they could not come at their own ends without doing what they did, which was the leaſt they could do; and his Pruſſian majeſty reaped ſome indirect and incidental advantage from it. But the queſtion is not, whether the king of Pruſſia had any, or had no benefit from the preliminaries? It is, whether *this court enabled him to make a peace to his own ſatisfaction, and did him the greateſt favour we could have done?* And I will add, if we did what in juſtice to England ought to have been done? the contrary of that is almoſt, if not altogether, capable of demonſtration.

By the ceſſation of the French arms in Germany, the king of Pruſſia certainly was enabled *immediately* to over-run the empire, and to bring the ſtates of it to a neutrality, and even to penetrate to the gates of Weſel and Cleves, which the united force of England and Pruſſia had not been able to do before, when there were 50,000 Ruſſians in the field, which had done him more miſchief than the combined power of France and Auſtria. But it is far from being improbable, that the king of Pruſſia alone, when delivered from the Ruſſians, would, in a very ſhort time, though not quite ſo ſoon have been able to do the ſame thing, if the French troops had ſtill continued to oppoſe him; And if England had adhered to the alliance with Pruſſia, it cannot, according to any probable appearances, be doubted that they together would have been an

overmatch

overmatch for France and Auſtria: The ſucceſs of the operations of the laſt campaign proved the ſuperiority of the allies, and ſhewed what a proſpect they had of thoroughly retrieving affairs in Germany. They muſt, humanely ſpeaking, have driven the French out of the empire, and recovered all the territories of the allies. That would have brought the war between England and France to its proper ſtate, and in making peace diſincumbered us of all the claims of compenſation for reſtoring the dominions of the German princes, which the miniſterial writers now ſtate as ſo great an article of the acquiſitions of the definitive treaty to be ſet againſt our ceſſions, which are complained of by the other ſide of the queſtion. The king of Pruſſia would then have been no embarraſſment in making any treaty between England and France. For it is on all hands admitted, that when both the French and Engliſh armies were out of the queſtion, he was in no danger from the empreſs queen; On the contrary it is clear, that, in that ſtate of things, ſhe had taken the alarm even for her *extra imperial* provinces. The king of Pruſſia had then ſuch a decided ſuperiority in force, finances, conduct, and ſituation of every kind, as to give the law to the court of Vienna.

Such having been the turn and ſtate of affairs, and theſe the conſequences moſt likely to have followed from the events that had happened, the impartial may be left to judge what courſe of conduct would, in the end, have proved moſt for the national intereſt and advantage of England: But what would have been moſt honourable to England and moſt conſiſtent with our friendſhip and good faith, towards a favoured ally of the crown, can be a queſtion with none but thoſe who have an intereſt in doubting, which is the ſtrongeſt motive for denying the fact.

The true ſtate of the caſe is, that the happy change in the ſyſtem of Ruſſia, which took place on the acceſſion of the late emperor, and was adhered to by the preſent empreſs, redreſſed the affairs of his Pruſſian majeſty, and put him into a ſituation not only to protect himſelf, but to be an uſeful ally to this country: And if the peace-making miniſtry of England, which ought not only to have looked upon that change with great complacency, but to have forwarded it if they could, had any merit in it, they are much bely'd by a fame of that ſort, that it will require a very authentic contradiction to diſcredit the report. By that fortunate alteration of the ſtate of Europe, England and Pruſſia had ſuch a command of France and Auſtria upon the continent, as might have enabled this country to have brought about a general pacification, upon terms the moſt honourable, adequate, and advantageous, both to ourſelves and to our allies, who had ſuffered in our cauſe. Inſtead of that, domeſtic ambition led thoſe into whoſe hands the power of this country was got, to purſue meaſures by which we abandoned our allies and ſacrificed ourſelves, wounded our national honour, and betrayed the public intereſt.

It was a part of the pacific miniſter's plan, to have withdrawn our troops from Germany, and totally to have abandoned all our allies, upon the continent, as we did the king of Pruſſia, leaving the French to act againſt them, after we had deſerted them. That was one of his firſt movements towards a peace for England; for it was extremely clear that he prompted, tho' he pretended to oppoſe, his very good friends who made the motion in parliament to that purpoſe, and ſupported it with reaſons, which it was avowed were taken from that *uſeful* pamphlet, *the conſiderations on the German war*, the author of which was afterwards named to a very good poſt, as a reward for that great ſervice. That probably would

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not have been found an eaſy buſineſs ; and thoſe who moved for it were told ſo at the time of the queſtion : but if it had been practicable, it would indeed have been a *maſter-piece* of politics and good faith, which the king of Pruſſia, if driven to an extremity, might have taken revenge for, in a way that would have coſt England very dear in the end. The ſcheme, however, was a proof of the moſt determined diſinclinations to his Pruſſian majeſty, and it is manifeſt the ſame temper prevailed even in making the preliminaries ; though there was then a little more art, but indeed hardly any greater decency, uſed to cover it.

By the preliminaries we did ſo far better, than had been propoſed to be done when the motion was made to withdraw our troops from Germany, that we did not leave the French behind us to act offenſively, at leaſt in an open manner. But to examine the merit of the Engliſh miniſtry, in that part of the ſtipulations, as a *favour done by us to the king of Pruſſia*, I ſhould aſk, what miniſter of England would have dared to make a ſeparate treaty with France, by which ſhe ſhould have been left at liberty to act againſt Pruſſia, when we were engaged not to aſſiſt him ? The hands of France were tied up in a very ineffectual manner as it was, for French perfidy made the ſecurity very ſlight, that they would not aſſiſt the empreſs queen if they had been able or inclined ; and the proviſions about making good paſt ſubſidies gave a plauſible colour for it. The beſt ſecurity was one for which the king of Pruſſia owed nothing to the Engliſh miniſtry, which made theſe ſtipulations. It was this: that France was neither very capable, nor very much diſpoſed to have continued their operations in Germany, which were become an inſupportable burden to them, at the ſame time that the end for which they had been gone into, which was to interrupt

terrupt the operations of England in other parts of the world, had been quite loſt.

Had France been left free to act in her alliance when we were giving up ours, it muſt have been little leſs than a declaration of war by this country againſt the king of Pruſſia. The ſtouteſt reſponſibility might have juſtly trembled for ſuch a conduct towards a near ally of blood, and an heir of entail to the crown, the head of the proteſtant intereſt abroad, who muſt always be either a great ſtrength againſt, or a redoubted ſupport of the power of France, the hereditary enemy of this country, according to the ſide his weight inclines to. Such a meaſure would not have been endured by the friends to the proteſtant ſucceſſion, and to the common cauſe of the liberties of Europe, which, it is to be hoped, the greateſt part of the people of England are.

What the Engliſh miniſtry ſeemed to do for the king of Pruſſia, they did for the ſake of their own object of having a peace with France, which they were determined to have at any rate, and could not make, without taking the French out of Germany, if they at all conſulted their own ſafety. They have ſo little to ſtate it as an obligation upon that prince, much leſs to plume themſelves (as the writers for them do) as having *done the greateſt favour we could have done him*, when it is plain they deſerted him in a moſt ſhameful manner, againſt the wiſh and ſenſe of their own country; and when the letter of the treaty was but juſt annulled by expiration, which tied up both powers from making peace without mutual conſent. If any collateral advantage did redound to him from the preliminaries (the full value of which has been allowed in the argument) he does not, and he knows he does not, owe it to the good diſpoſitions or intentions of thoſe who handled the power of this country upon that occaſion;

ſion; who had ſhewn their inclination to let him be oppreſſed by a formidable combination of three powers, the leaſt of which was greater than his own. Upon the whole, it is moſt manifeſtly *ſophiſtical* and *fallacious* to *aſſert from the preliminaries, that our court delivered him from the French army, and ſo enabled him to make a peace to his own ſatisfaction.*

I am, &c.

Aug. 25, 1763.

PRO FIDE & VERITATE.

On the miniſters addreſs on the peace from ſome of the merchants of the City of London.

I Happened accidentally to meet the proceſſion of the *merchants*, going to St. James's with their addreſs, and *I was glad* to ſee among thoſe who filled the coaches, ſome young gentlemen, clerks and apprentices, whoſe faces I knew. How many more there might be, I know not; as my acquaintance among them is not very extenſive, and it was only by the accident of their reaching out their heads at the windows of their coaches, (I ſuppoſe to ſhew that they had the honour to be there) that I could diſtinguiſh thoſe I did obſerve. It gave me pleaſure to find, that the young generation is trained up in the principles of loyalty; and that their education is ſo perfect, that they are far advanced in the knowlege of politicks, as well as commerce, before they are out of, and with ſome of them before they are half through their time. But I cannot ſay I was altogether fond of the notion of *beardleſs boys* being ſet up to decide upon the merits of a peace, about which the wiſeſt and graveſt men in the kingdom have been divided. And I hope if the names of thoſe who have ſigned the *merchants*

addreſs

addreſs are publiſhed, as a proof of the ſenſe of the commercial part of the nation, thoſe of all ſuch very *incompetent* judges will be ſubſtracted, or diſtinguiſhed, that it may be known what ſtreſs is to be laid upon the characters of thoſe who approve what many are diſſatisfied with, and I ſuppoſe not a few of the *real* merchants. This I gueſs from their addreſs coming ſo late, and ſo great intereſt having been made, as I have been witneſs to for a week paſt, to get perſons of all ſorts, related to the trading part of the city, to ſign it; and from many having ſigned it, though they diſapproved of it, as they themſelves declare, not to diſoblige, by a refuſal, others they depended upon.

I might perhaps call myſelf a *merchant* with as good reaſon as many who aſſume that name upon occaſion of *addreſſes*, but I am for the preſent content with the humbler name of

A. TRADER.

The miniſtry having procured an addreſs from eight aldermen of the city of London, occaſioned the two following letters. *June* 1763.

AT length the miniſtry have tried their ſtrength. As addreſſes have been procured from a number of Tory boroughs, Tory counties, grand juries, parſons who go to ſeſſions and aſſizes for preferment, eight aldermen (who by the bye were not a court, as they were pleaſed to call themſelves) the ſubſcribers to the loan (whoſe names are recorded in the North Briton, No. 42) aided and aſſiſted by the Jews, apprentices, clerks, and all the droſs of merchandize. I ſay, as addreſſes have been *procured* from all theſe, it ſhould ſeem, that the miniſtry hoped to crown all by procuring an addreſs from the court of common council. But, unfortunately for thoſe who would have ſnuffed the in-

cenle very graciouſly, this knock down compliment to the miniſtry was, at the previous meeting on Monpay night, carried FOUR to ONE *againſt them.* This was the *ne plus ultra* of the miniſtry.

I AM glad to find ſuch conſiſtency in the conduct of the *real* repreſentative body of the city of London, as will ever diſtinguiſh them to their very great honour. No miniſterial management could prevail on the common council to either falſify their underſtandings, or wound the dignity and credit of the city, by voting an addreſs on the peace, after all the *dependent* boroughs and *little* bodies in the kingdom. The common council were too zealous in their reſpect for the character of the metropolis, (the preſervation of which it is truly laudable in them to maintain) too juſt to theſe ſentiments of their conſtituents, and too regardful of their own honour, to appear in the very dregs of this extorted incenſe.

As they have ſtood out ſo long, and, with a ſpirit and conſiſtency as will ever merit the approbation and juſt praiſe of the public, have defeated every miniſterial artifice to bring them over, we may naturally expect the hired ſcribblers in the cauſe of the miniſtry will now begin to abuſe them in the moſt ſcurrilous and rancorous manner, as they have uſually done whenever the miniſtry were not gratified. But I would adviſe my fellow citizens not to take the leaſt notice of what ſuch wretches may ſay; for we may be aſſured, that none but the tools of the miniſtry (I mean the hired ones, for I believe they have no other) will be ſo loſt to all ſenſe of honour, truth, and decency, as to call their conduct into queſtion. The really wiſe and virtuous will term it, not only the glorious triumph of true wiſdom and patriotiſm over corruption, and the big

ſound-

ounding bombaſt of having influence enough to manage the buſineſs of the miniſtry, but a ſtrong proof of the real ſentiments of the city of London: of which the common council are the repreſentatives, elected by the conſtituents nearly in the ſame manner as the repreſentatives of the whole nation; and do therefore, in the moſt legal and conſtitutional manner, convey, on all occaſions, the voice of the city of London. The court of aldermen (which may be compared to the houſe of peers) does not, nor cannot, repreſent, in ſo direct and proper a manner, the ſentiments of the citizens of London, any more than the houſe of lords can of the whole nation, but is rather, ſingly and ſeparately, the voice of itſelf only. Thus the conſtitution of the city of London may be compared to the conſtitution of parliament; and indeed the proceedings of both are almoſt ſimilar.

I cannot, however, help remarking, with reſpect to the court of aldermen, that when they intend preſenting congratulatory addreſſes to his majeſty, on his marriage, the birth of a prince, princeſs, &c. the uſual method is, for it to be drawn up by the recorder or any other perſon, and for it to be carried without any other reſolution, than to preſent it. But whenever there is any policy, any buſineſs of the nation, ſuch as addreſſes on the peace, and other important and public tranſactions, a court of aldermen is regularly called; which court *muſt* conſiſt of TWELVE aldermen, excluſive of the officers, otherwiſe it is *not* a court; and the addreſs intended is not only previouſly known, but is referred to a committee, as in parliament, who afterwards report it to the court, which may alter it, and amend it, as ſhall be found neceſſary. From hence it pretty clearly follows, that the late addreſs, of only EIGHT aldermen, was not the addreſs of *the court of aldermen*, as was falſely printed in the Gazette. Nor

was it, in many other inſtances, agreable to the uſual method of proceeding in theſe caſes; for it was, *ſurpriſed* on the lord mayor; and not referred to a committee.

On the ſame ſubject; with remarks on the conduct and principles of the favourite.

NOTWITHSTANDING every artifice of thoſe venal tools of miniſterial influence, who have been lately ſeen employed in the ridiculous attempt to impoſe on the common ſenſe of mankind, by repreſenting their patrons as deſerving praiſe from the public, I am heartily glad for the honour of the city of London, to obſerve, in its common council, a conduct on the preſent occaſion which will certainly be applauded by every true friend to the conſtitution, and will convey to poſterity an idea of their integrity, abundantly to compenſate for the abuſe that may be vented againſt them by thoſe creatures of the adminiſtration, who would ſell their birthright for a penſion; and whoſe cenſures, therefore, are the higheſt honour.

The city of London hath ever been diſtinguiſhed by being the firſt community to expreſs its gratitude to government, for every inſtance of true utility or of honour, pronounced to the ſtate. When the occaſion hath been fairly afforded, let any one ſhew when they have been backward to expreſs their thanks to the adminiſtration that hath deſerved them. But it is *their* (I had almoſt ſaid peculiar) honour to refuſe the ſervile drudgery of paying compliments at the expence of their veracity. A recent inſtance of this their diſintereſtedneſs, the public hath obſerved in their declining to promote an addreſs, that might ſerve to *confirm a favourable opinion of thoſe who do not deſerve it, in that breaſt,*

where

where unhappily, it ſeems, already to have gained but too FATAL a foundation.

Unanimity and concord are certainly neceſſary towards improving the advantages of peace in favour of a nation which owes its greatneſs to the extenſion and proſperity of its trade. Nor will it be diſputed that the city of London hath at leaſt as great an intereſt in the national proſperity, and conſequently in the meaſures of government, on which the former muſt always depend, as any other diſtinct community in the kingdom. Why then it may be aſked, did not the common council promote an addreſs to his majeſty, which is ſo obvious a means of advancing the harmony of the nation, and conſequently of their own intereſt? The anſwer is, not becauſe they are wanting in duty to the king, and regard to their own welfare, but becauſe they entertain more juſt conceptions of theſe matters than others, who have purſued a contrary conduct; for he muſt have a ſhort ſight, indeed, who, cannot diſtinguiſh between the pretended and the real means of promoting the welfare of his country, as they now preſent themſelves to his obſervation. *They* are to blame for the conſequence who firſt offended, and ſtill perſiſt to hold out the cauſe of diſcord; not they who refuſe to connive at the cauſe till the conſequence becomes incurable. His preſent majeſty's conſpicuous virtues, as they have deſervedly gained him the hearts of all his faithful ſubjects; ſo it is not ſtrange that thoſe ſubjects are deſirous of rendering him every return of true duty and attachment in their power; and theſe alone are the principles that reſtrain the city of London from preſuming to preſent to him, *as true*, profeſſions tending to the praiſe of ſome men, who are known to be undeſerving of them. If it had been foretold in the year 1715 or 1745, that abettors of rebellion in favour of a

popiſh pretender, againſt the illuſtrious princes, who then wielded the ſceptre of theſe kingdoms, ſhould in a few years become favoured, and even promoted, by thoſe entruſted with the adminiſtration of government under any of *their* ſucceſſors; would not the future completion of ſuch a prediction have been looked upon as one of the greateſt evils that could befal any prince inheriting the Britiſh throne on revolution principles? principles, which, from nature and from education, have ever been exploded by, and are incompatible with, the political creed of every adherent to the houſe of *Stuart*. For how can ſuch adherents reconcile their pretended attachment to his preſent majeſty, with thoſe notions of the hereditary, indefeaſible right of kings, which have ever been cheriſhed by them, even to ſuch a degree as to induce them to countenance the banners of rebellion againſt the predeceſſors of a prince, who holds his power contrary to the ſentiments which they have always diſcovered, and for whom, therefore, it is impoſſible (according to their known principles) they can entertain a true attachment. Can the Ethiopian change his ſkin? no, but he may diſcolour it. For what end ſhould he do the latter; but that thereby he may the more effectually attain the primary object of his purſuit? Would not any of theſe men pretend it an high affront to their honour; ſhould any one impute it to them that they were time-ſervers, and did not act from principle? certainly they would. Every one knows what were their principles in the year 1745; let it be ſhewn then, by what miraculous power thoſe principles have been ſo ſuddenly altered as to fit them for public ſtations in the year 1763, for which they proved themſelves ſo very unfit at the former period. But if for the ſcourge of theſe kingdoms, men of principles ſo alarming to its ſecurity, ſhould at any future time be found poſſeſſed

of

of the means to approach the throne, ſhould artfully join with others, who may be ſo far intoxicated with the luſt of power, and the means of gratifying it, as even to ſacrifice to their own boundleſs ambition the popularity of an amiable ſovereign, who by their artful united endeavours might be deprived of the council of his true and *natural* friends, driven, perhaps from his preſence, for refuſing to concur in deceiving him; I ſay, ſhould this kingdom ever happen to fall into circumſtances ſo alarming, who that was really zealous for its welfare, the happineſs of his prince, and that of poſterity, would not refuſe to concur in any attempt that ſuch miniſters might ſet on foot for their own convenience, and to conceal from their maſter the knowledge of his danger? If ever ſuch an occaſion ſhould be offered of teſtifying true affection and loyalty from a ſubject to a ſovereign, *his* will certainly be the greateſt, not who *does* join in a ſpecious addreſs, to continue an impoſition on his prince; but *his* who takes the beſt means in his power to convey the knowledge of truth to the throne. And this the common council of London, in ſuch circumſtances, would not have it more effectually in their power to perform, than by obſerving a ſilence in reſpect to meaſures which they could not conſcientiouſly commend.

Theſe are the ſuggeſtions of common ſenſe and common honeſty, as they appear to the apprehenſion of a private individual, who neither is, nor deſires to be known by, or connected with, the great; but who is a firm friend to that glorious revolution, to which we are indebted for the bleſſings derived from the ſucceſſion of the illuſtrious houſe of Hanover to the throne of theſe kingdoms, who is zealous for the continuance of thoſe bleſſings to our lateſt poſterity; but who firmly believes they muſt either be continued to us upon the ſame

principles as thoſe by which they were at firſt introduced, or that they will not, they cannot in the nature of things, be long continued to us at all.

PRO REGE ET PRO PATRIA.

Detection of falſities propagated by the miniſterial writers.

CONSIDERING how many lies are vented every week by the hawkers of the miniſtry, it is ſurpriſing that they cannot treat the public with ſome variety. The town begins to regret the Auditor and Briton, who, if they ſurpaſſed all ſcriblers in impudence and infamy, at leaſt put as much novelty into their papers, as they did into matters of fact. They not only invented, but invented freſh and freſh. The preſent ſet are errant cheats, and make the miniſters pay for theſame lies over and over again. The lie moſt in vogue with them, is an approaching coalition of parties: an event they and their maſters want, and doubtleſs wiſh to ſee, but as far from happening, as any good to this country, while its affairs are in ſuch incapable hands.

Few words will ſhew the impoſſibility of ſuch a coalition. Can men, who have ſaved their country and raiſed its reputation to a height unknown in ſtory, coaleſce with thoſe who have ſacrificed all this glory, have reſtored our conqueſts to the ſame aſpiring and encroaching enemy, and who have given back ſo much of what was purchaſed by the blood of the valiant, and the treaſures of the impoveriſhed? Can they, who reduced France to ſue for peace, unite with thoſe who have begged peace of France? Can they, who ſent back Buſſy with ſcorn, when he dared to preſent a bullying memorial from Spain, unite with thoſe who would even then have temporiſed, who have declared for peace on *any* terms, and who have accepted terms, that

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are only to be matched by thoſe accepted at Utrecht ?

Can great lords, who have been threatened that the peerage ſhould be humbled, who have been treated with inſults never practiced towards Jacobites and rebels, who have ſeen their own and the ſervices of their anceſtors forgotten, who have been affronted by a muſhroom favourite, of neither Engliſh birth nor Engliſh abilities ; can they unite with that favourite, who began the winter with arrogance, and cloſed it with puſillanimity ; and who, having laid a plan for oppreſſing this country, had almoſt accompliſhed his purpoſe, but being ſeized with a panick, ran away from his own victory ? Or can they unite with men, who condeſcend to act as deputies for the favourite, and who, for running his riſk, are paid with ſine-cures and double ſine-cures for themſelves and for every maſter and miſs of their generation ?

Can men, who, for the ſake of their country, their conſcience, and their honour, have ſhewn that they would ſacrifice their intereſt, renounce their places, and incur perſecution, be ſo volatile and profligate as in ſix months to join with the plunderers and perſecutors of their countrymen ? Has this oppoſition forgot the infamy that attended a celebrated earl when he ſold his party, and ſtipulated for a few places for his own dependents ?

The oppoſition is formed of men of the firſt characters, of the moſt exalted abilities, of the higheſt birth, of the moſt unqueſtionable morals. With whom is it propoſed they ſhould unite ? With peace-brokers, money-jobbers, gameſters ; with the favourite's ſubſtitutes, Scotch poets, and outlawed Jacobites ; with the tools that L—d H— left in place, or the tools that left his l—d—p in the lurch ?

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The oppoſition will continue oppoſition till the ſtate is cleared of theſe men. The gentlemen in the oppoſition are ſenſible that they could perform no ſervice to their country, if leagued with and checked by ſuch men. They know they ſhould forfeit all pretentions to integrity, if they entered into alliance with them; and the firſt motive to forming any oppoſition at all, was to rid the government of thoſe who have diſgraced and impoveriſhed it.

MANY.

ANSWER.

IN anſwer to MANY, I would obſerve, that the report of the coalition ſeems to have taken its riſe, not from the advocates of the miniſtry, but from that ſet of men, who deſpairing of the ſucceſs of their utmoſt efforts in an oppoſition to government, have taken that method to inſinuate their wiſhes to be taken in. One of the chief leaders of that party hath frequently declared, that the powers of his mind lay chiefly in the direction of the war. This is an invincible argument againſt his guiding in time of peace; and indeed he was ſo ſenſible of this himſelf, that in 1761 he determined not to make any peace. Was it for fear he ſhould become leſs neceſſary? But who are meant by thoſe who have made thoſe great ſacrifices for the ſake of their country: For my own part, I ſee very few among the oppoſition but have been either the parents of corruption, or are very willing to become the ſons of it.

The MORE.

REPLY.

REPLY.

FROM the advocates of the miniſtry no truth is to be expected: they could not be its advocates if they did ſpeak truth: but they cannot even argue; their logic is as bad as their cauſe.

In the letter ſigned THE MORE, it is ſaid that the report of a coalition ſeems to have taken its riſe from the oppoſition. Why does it ſeem ſo? By their taking every ſtep to diſavow it? Who want a coalition moſt, men of neither credit nor abilities, whoſe chiefs have ſlunk out of office in the moſt cowardly manner, on the firſt appearance of a ſtorm, and who have left this *forlorn hope* to ſtand in the gap, to parley, traffic, and treat; or they, who carried on the affairs of this country with the moſt glorious ſucceſs and unanimity, and with the approbation and love of their country-men? Can theſe men want a coalition with the refuſe of lord B——'s and lord H——'s adminiſtration?

The next ſilly argument is, that one of the leaders of the oppoſition hath frequently declared that the powers of his mind lay chiefly in the direction of the war. Whatever he has declared [probably never what is here aſſerted] he certainly did not expreſs himſelf in ſuch fooliſh terms. But your correſpondent is ſo abſurd as to call this an invincible argument againſt his guiding in time of peace. What invincible dullneſs! a miniſter ſhines in the moſt difficult ſeaſon of government: *ergo*, ſays this reaſoner, he is unfit for the leſs difficult. Admirable! But lower this great man's abilities; rate him very low in peace; ſuppoſe him as deficient in any one walk as it is poſſible for a man of his genius to be; ſtill he muſt be infinitely ſuperior to any man employed at preſent. Compare them

ſeverally

ſeverally with him, and even THE MORE, who are ſo well paid for being THE MORE, will not be able to help laughing.

Laſtly, to anſwer the queſtion at the end of that ſilly letter. The moſt diſintereſted and unblemiſhed names in this country have ſacrificed places, profits, honours, views, all to the love of their country, and to the indignation at ſeeing the glorious ſucceſſes of the war, given up to inſure the power of an incapable favourite. Some of theſe names are, the duke of Devonſhire, lord George Cavendiſh, earl of Beſborough, marquis of Rockingham, duke of Bolton, earl Temple and Mr. Pitt. We defy THE MORE to point out any meanneſs, any love of lucre, any corruption of any ſort in one of theſe illuſtrious perſonages. THE MORE may throw dirt, but none of it will ſtick.

MANY.

P. S. MESSIEURS MORE,

The next time you are going to be vain of being THE MORE, pleaſe to recollect how many of you laſt October declared yourſelf of the ſame opinion with us THE MANY. As we had the ſame offers, and were invited to the ſame pay office, we know pretty well *what* occaſioned the change in your ſentiments. As 250001. iſſued in one day, in bank notes of 1001. each, had not the ſame effect on us that they had on you, we had rather be the virtuous FEW than the corrupted MORE. In the mean time, we are preparing for the public an account of your ſeveral *private* reaſons for the part you have taken.

On the ſtrong national attachment of the Scots.

THE ſtrongeſt proofs which can be given of ſuperior talents in our days, are thoſe of mens diſcovering a due knowledge of, and regard for

for their own intereſts, and an unceaſing aſſiduity in the purſuit of them.

In theſe qualities the Scots ſurpaſs all nations upon earth. There is nothing in the way of intereſt too great for them to aim at: witneſs two endeavours of late years to beſtow on us a king of their own chooſing, and to take the government of us into their own hands. But experience having ſhewn them that open force is not the beſt inſtrument they can employ, they have wiſely altered their ſcheme, and at preſent combine by cunning to eſtabliſh their domination: and what the ſword, even in their valiant hands could not do, they are now endeavouring to effect by policy: though what they hope to obtain by cunning, they doubtleſs mean to ſecure by force.

The moſt refined policy of late ages has been that of the Jeſuits; which was founded upon general correſpondence and combination; ſo that they have every where always moved, in bodies, or as individuals, by one general direction; or rather have acted upon one fixed principle, which is that of purſuing the common intereſt and power of their order, in that of every individual member of it.

Two Scotſmen meeting together, like two Jeſuits, two free-maſons, or two footmen, though they never ſaw each other before, immediately converſe without reſerve, from their having a common intereſt to purſue, and a common knowledge of their craft. Good fellowſhip is apparently the tie of the free-maſons; but that of the others is apparently mere intereſt. They have each a common enemy to circumvent and over-reach. That of the Knights of the Rainbow, is maſters and miſtreſſes; that of the Scots is their fellow ſubjects; and that of the Jeſuits all mankind. Againſt theſe reſpectively, they are reſpectively in conſpiration;

and

and common intereſt alike reſpectively unites them in an invariable combination.

It is ſufficiently obvious how great an influence the combinations of ſervants have on the fortunes, and even power of their maſters. Thoſe of the Jeſuits operate in a like manner with regard to ſtates. Sovereigns are afraid of them; the people are jealous of them; and the other religious communities envy and hate them; yet their inviolable connection, and their inceſſant application, by all direct and oblique, or collateral means, helps them effectually to promote their ſingle object, which is ſelf-intereſt, always advanced alike by advantages gained by them as a body, or by individuals, who all act for one another; and by advancing the intereſts of one another, they gradually advance their collective power both to fleece and to govern.

It may likewiſe be remarked, from the example of Turkiſh policy, that power, when once obtained, ſoon becomes extenſive in its operations. What great ſtates of Moors and other people do we ſee ruled, plundered, and trampled upon, by handfuls only of Turks! This is obvious in Greece, and ſome parts of Barbary and Tartary, where there are hardly more Turks than ſerve to officer and govern whole nations of ſlaves. Like ſhepherds, they have almoſt each of them a very numerous flock, not to feed, but to fleece and devour: which privileges they owe to their being, though a ſmall one, a well connected hoſt, that acts within an unconnected body, always operating under one direction, and indebted for ſecurity to univerſal intelligence and cloſe combination.

Of a nature entirely correſpondent with theſe is the ſyſtem of Scotch policy, who are a people that in every thing act for common benefit. They are ſedulous to avail themſelves of the good will and good offices of all men, but they never do ſervices

themſelves

themſelves to any but one another: and having one common intereſt to promote, they puſh it every way with their utmoſt might. Of either of the three kingdoms they are by much the ſmalleſt body, and alſo naturally by much the pooreſt; yet by combination they are become greatly the moſt flouriſhing of any; have always aimed at dominion over the reſt, and are now, to all appearances, in a fair way of obtaining it.

A Looker-on.

On the prudent conduct of France ſince the peace, and the folly of England.

THERE is certain information that the French king has begun to leſſen the taxes paid by his ſubjects; and that he has ordered ſome of the crown debts ſhould be redeemable at twenty years purchaſe, without regard to the original capital, and others in proportion to what the preſent poſſeſſors paid for them, and that an equitable tax ſhould be laid on all the freeholds of the kingdom, not excepting thoſe of the crown, thoſe of the princes of the blood, the eccleſiaſtics, nobles, or other privileged perſons, of what nature ſoever; upon all of which I beg your permiſſion for offering ſome remarks publicly to the conſideration of the government, legiſlature, and people of Great-Britain.

The firſt object to be conſidered in this relation is, the apparent haſte France is in to retrieve her national circumſtances; and, by putting her finances in good order, to become enabled to ſupport a new offenſive or defenſive war: a circumſtance that ſhould influence every one of her neighbours to prepare for the like emergencies.

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The ſecond alarming point to be conſidered is, the facility in means for that purpoſe which her diſpoſition affords her. She has contracted debts at high intereſt, and arbitrarily redeems at twenty years purchaſe, to the immoderate prejudice of her public creditors. By which means, ſhe will perhaps ſink the capital ſhe pays off near a half of its real value, by which a number of Dutch and Engliſh fools and traitors will in common with her own well-intentioned ſubjects, become enormouſly bubbled. I own I pity poor Frenchmen who are ſo unmercifully fleeced; but as for my own countrymen and the Dutch, I heartily wiſh their avarice and treachery were rewarded with the entire loſs of what they have inveſted upon ſuch rotten ſecurity, as the faith of a court which has never ſcrupled to violate any engagement of any kind whatſoever.

A third object to be remarked upon is, her reſolving to redeem other debts; not at the real value, but at the prices at which they were purchaſed. Behold, ye infatuated Britons, the deluſions of your own ignorance, in imagining the Dutch and other nations were doing ye ſervice, by purchaſing into your funds at a third leſs than their real value! which purchaſes they are now reſelling at above thirty per cent. gain, and ſo draining ye of money, that your very national gold coins have been melting in crucibles, or exported without melting, at two or three per cent loſs, to redeem your mortgages to foreigners, at altogether, near the difference of forty pounds in the hundred to our national prejudice. Oh! fatal conjuration of deluſion upon ignorance! ſuch are the freſh diſcovered fruits of your generous and wiſe alliances, your glorious victories, and your much boaſted triumphs!

The fourth and laſt point to be conſidered is, the nature of the new taxations in France, for the retrieval of her national circumſtances. Theſe are made

made on ſolid property; the inheritances of the crown, the princes of the blood, the eccleſiaſtics, the nobles, and other PRIVILEGED perſons. O virtuous taxations of luxury and pomp, thoſe banes of vicious nations, for the ſake of eaſing labour, induſtry and traffic, thoſe trueſt bleſſings and ſupports of a country; and which grievous oppreſſions muſt gradually ſink and even annihilate. Patriotic miniſtry of France, and glorious parliament of Paris! proceed, and you muſt prevail over thoſe who have been extending hateful and ſlave-making exciſes on the neceſſaries of life, and who are daily ſacrificing all the reſtraints of wholeſome police to the corruptions of magiſtracy, and the inſatiable avarice of monopolizing dealers; practices which by their joint operations muſt deſtroy all the manufactories of a country, and its only traffic that is beneficial, which is that of exportation.

And what has Great-Britain been doing ſince the peace, but quarrelling; for what? why the plunder of the community. In which ſquabbles patriotiſm has been the word, while the thing has not been ſo much as thought of. Has ſhe been taxing the rich to eaſe the poor? or taking the loads off commerce, which is the ſinew of all ſtrength, and the ſource of all proſperity, in order to lay them upon luxury, which is the bane of vigour, virtue and ſecurity? Has ſhe been leſſening or augmenting the emoluments of harpies? Has ſhe been the practicer of oeconomy? the reſtrainer of corruption? the augmenter of profuſion? or only the talker of reformation?

FABRICIUS.

Subſtance of the letters to the duke of Devonſhire, publiſhed in January 1764.

AS theſe letters are too prolix to be inſerted at length, it is preſumed the reader will be pleaſed with a general account of their contents;

and ſome extracts from the whole.

The *firſt* letter, is againſt a coalition of parties, which was ſuppoſed to be in agitation at the above time.

'Notwithſtanding the pains which have been 'taken to ſmother, to extinguiſh, and, if poſſible, 'to aboliſh the remembrance of the diſtinctions of 'whig and tory, yet theſe diſtinctions, whilſt I live, 'with a tongue to ſpeak, or a hand to write, ſhall 'never be ſuppreſſed: not in order to create diſ-'ſentions between friends and neighbours in private 'life—I abhor the thought—but in order to pre-'vent the liberties of England from being delivered 'up by prerogative miniſters, or trampled under 'foot by arbitrary princes. I know many tories; 'I live in friendſhip with many; I reſpect and 'honour many more as MEN, but as MINISTERS 'I would not lend myſelf to the ſupport of one of 'them for an hour. I beg I may not be miſtaken. 'It is not a ſpirit of *party* by which I am actuated 'in this reſolution, but a ſpirit of *liberty*, by which 'I hope I ſhall be actuated for ever."

In the *ſecond* letter the ſubject is continued, the author endeavouring to ſhew that there are caſes of ſuch importance, truſt and confidence, in which the diſtinctions of WHIG and TORY are ſo material, and ſo real; caſes wherein our liberty, our religion, our happineſs, as ſubjects, lie at ſtake; that if theſe have any weight with us, ſuch principles, and ſuch only, ſhould be adhered to by the friends of liberty and their country, as have begotten thoſe diſtinctions: not indeed in the odious, illiberal way of ſlander and abuſe, but by firmly ſupporting thoſe chiefs in the ſtate, whatever it may coſt in places or court favour, whoſe principles we can depend upon to ſecure us theſe enjoyments; and in a vigorous op-

poſition

poſition to all others, by whatever name they are called, who ſupport and abet prerogative miniſters.

In letter the *third* the writer attacks the *upſtart minion* and his *favourite peace.*

'In the beginning of the reign of GEORGE the 'third our ſtate-empiric began, in order to beget 'our confidence in his ſkill, like a true quack, with 'vaſt profeſſions of regard for the health and wel-'fare of his patients: we were amuſed for a ſhort 'time with the hopes of the golden age of liberty, 'in which the votes of the electors, and the elected, 'ſhould be left unbiaſſed; and whilſt nothing was 'to be heard but the ſound of public oeconomy, 'among the turnſpits and kitchen-men at St. 'James's, honours, places and penſions, were pro-'fuſely ſquandered about, for a purpoſe eaſily to 'be gueſſed at, and with expences unknown be-'fore to the civil liſt. He had made a ſhort trial 'of the conſtitution of his patients, and found it 'was too ſickly to ſwallow medicines that were not 'highly ornamented or ſtrongly gilded. Afraid, 'therefore, leſt his quackery ſhould bring him to 'ſhame, and diſdaining to conſult with the regular 'bred phyſicians of long experience, he orna-'mented and gilded away at a great rate, till he 'found he could cram down the throats of his pa-'tients almoſt any medicines, ever ſo diſagreable 'or pernicious to their conſtitution. One medi-'dicine indeed there was, ſo highly diſtaſteful to 'his patients, and at which their ſtomachs ſo 'much revolted, even through the ordinary diſ-'guiſe of ornament and gilding, and yet on the 'ſucceſs of which depended his credit with the fa-'mily where he was moſt employed, and which 'was of more conſequence to him than all the reſt; 'that he exerted his whole ſkill in filtering and ab-'lution, and ornamented and gilt it ſo very highly, 'that by the time he could perſuade his patients to

'ſwallow it down, the expence that he had been 'at exceeded the advantages that he derived 'from it.

'But to lay aſide metaphor in a caſe of this im-'portance, let us recollect, in plain Engliſh, that in 'the three firſt years of the reign of GEORGE the 'third, a peace was approved, which gave back al-'moſt all our conqueſts to the enemy, for an inhoſ-'pitable country we can never people without our 'ruin; that laid no reſtraint on their fiſhery, the '*ſina qua non* of every good peace with France, than 'the word of their king: and which took the ſame 'ſlender ſecurity for the payment of the debt con-'tracted by the maintenance of his ſubjects whilſt 'in priſon. But I mean not to enter into the de-'merits of the peace of Paris. The ſenſe of 'the nation, whatever might be the motives of 'SOME to approve it, is evidently on the other ſide. 'The mean, the artful, and the wicked meaſures 'which have been taken, in begging, ſtealing or 'buying addreſſes to the throne, which call it ho-'nourable and advantageous, prove this. For it is 'very notorious, that not a ſingle addreſs has been 'ſent from any county, or large corporation, but 'by one of the ways abovementioned.'

The *fourth* letter contains the following juſt ob-ſervations, and remarkable anecdote.

'Though it is the higheſt inſolence that can be 'offered to the KING, to attempt to blend his in-'tereſt and his cauſe with thoſe of his miniſters, 'yet this, my lord, has been the conſtant uſage, 'of the laſt and preſent miniſtry—if in truth they 'are not the ſame——throughout their adminiſtra-'tion. Though all the duty and reſpect hath been 'paid to his majeſty, by thoſe in the oppoſition, 'which a wiſe king can deſire, or a good king re-'ceive, yet becauſe the national intereſts have been

'preferred

'preferred by them to the intereſts of the miniſters, 'a diſlike of their meaſures has been conſtrued into 'a diſlike of the king himſelf. By this kind of rea- 'ſoning, the moſt eminent whigs in the kingdom, 'who have given the ſtrongeſt proofs of their af- 'fection to the houſe of HANOVER, have been 'ſunk into jacobites, and the moſt notorious jaco- 'bites have been exalted into whigs. But it hap- 'pens a little unluckily, that the ſame way of rea- 'ſoning will alſo prove, that the COCOA-TREE op- 'poſition, carried on ſo many years in the late 'reign, and boaſted of ſo highly, was an oppoſition 'to the king, as KING, and not the meaſures of 'his miniſters. Abſurd and fallacious, however, as 'this way of reaſoning is, without any collateral 'proofs, they gave ſo many inſtances of perſonal 'diſreſpect to his late majeſty, as were ſufficient to 'recommend them to the tory miniſter of the pre- 'ſent reign, and to puſh them into power.

'Suppoſe, my lord, it ſhould have happened, 'that in the FIRST year of the reign of GEORGE 'the third, ſo much beloved by tory converts, a 'parcel of lace from Flanders, with the picture of 'the young PRETENDER ſet round with diamonds 'incloſed in it, was brought to a perſon of the 'firſt diſtinction, thro' a miſtake, occaſioned by a 'very near ſimilarity of the title on the direction, 'and under the ſame miſtake——it being candle- 'light——opened by him, but which was really 'directed to one of theſe new converts to loyalty, 'who has been rewarded with a place about his 'majeſty's perſon——I ſay, my lord, if we ſhould 'ſuppoſe ſuch a thing to have happened, for I am 'far from ſaying that it has, what opinion can we 'entertain of thoſe whigs, who are ſervile enough 'to draw tamely under an adminiſtration that in- 'troduced ſuch men into power, or continue them 'in it? Other matters of a ſimilar nature, were it

'neceſſary, might be produced. It is now pub-
'licly ſaid, that the young PRETENDER himſelf
'came from Flanders to ſee the coronation, that
'he was in Weſtminſter-hall during the coro-
'nation, and in town two or three days before and
'after it, under the name of Mr. Brown; and
'being aſked by a gentleman, who knew him
'abroad, how he durſt venture hither, his anſwer
'was, *that he was very ſafe.* But after having
'ſeen the DUKE of DEVONSHIRE *ſtruck out of the*
'*liſt of privy counſellors*, in the reign of a prince
'of the HOUSE of HANOVER, every other turn in
'politics will ceaſe to be ſurpriſing.'

This paragraph made ſo much noiſe that Jemmy Twitcher was induced, with as much gravity as *he* can put on, to give it the following ridiculous anſwer, which ſerved more to confirm the fact than diſprove it.

'The anecdote given us at the cloſe of the
'fourth letter, if true, cannot affect the miniſtry
'in the leaſt, if he had proved it fact, unleſs it
'was as well known to them as to himſelf; no
'charge can lay againſt them for employing that
'perſon, whoever it is he has in his eye.'

In the *fifth* and laſt letter, the writer enters upon the ſubject of a national militia, which he condemns.

'When I inform your grace, that I am one
'of thoſe with whom words paſs for nothing more
'than what they are, you will not be ſurpriſed
'that the good word MILITIA has not faſcinated
'me, as it hath done the multitude; notwithſtand-
'ing the pains that have been taken to ſound it
'very high by great pretenders to patriotiſm, and
'to have it echoed back by the vulgar. For before
'I give up my underſtanding to this word, accord-
'ing to the idea which has been always affixed to
'it, I muſt be better convinced than I yet am of
the

‘ the utility of a militia to this country. I muſt
‘ firſt ſee, that we neither have nor can have, a
‘ ſufficient naval armament to defend us againſt in-
‘ vaſions from the French which is the *only caſe* in
‘ which a militia can be of any uſe, and in the
‘ next place, I muſt ſee that it is ſafer, more ex-
‘ peditious, and leſs expenſive to the nation to ſe-
‘ cond the operations of ſuch a fleet by a militia
‘ than by regular troops. The articles of ſafety
‘ and expedition, I am apprehenſive, muſt be left as
‘ problematical to the end of the world, ſince I be-
‘ lieve they will never be decided by any experience;
‘ but experience has already decided, that in the
‘ article of expence, a militia is a much greater bur-
‘ den to this nation than a ſufficient regular force.
‘ If this experience has brought us enough to our
‘ ſenſes to aboliſh this quixote ſyſtem for the future,
‘ I will be bold enough to ſay, that it is the only
‘ good end that has been anſwered by above half a
‘ million of money.

‘ Whilſt this thing called a MILITIA ſubſiſted
‘ only in imagination, the liberty, the indepen-
‘ dency, and almoſt every political bleſſing of En-
‘ gliſhmen, ſeemed blended with the notion. The
‘ din and clamour that was raiſed about it, the
‘ pictures of it that were exhibited to the populace,
‘ and the caricaturas of thoſe who ſeemed averſe to
‘ it and which were expoſed to the factious, en-
‘ flamed the fancy already heated with the ſound,
‘ and raiſed expectations in many people to an
‘ irreſiſtible ardor. In this fluſh of temper, when
‘ men acquired the name of patriots on the merits
‘ of this bill, all arguments from reaſon were en-
‘ tirely thrown away. But if this heat is enough
‘ ſubſided to enable us to liſten to cool and im-
‘ partial ſentiments, I hope to make men of ſenſe
‘ and candour aſhamed of having ſuffered them-
‘ ſelves to be overborn by mere noiſe and vocife-

ration within doors and without, and of having co-operated in ſuch a wild and expenſive ſyſtem.

On the diſmiſſion of Major General A'COURT.

THE diſmiſſion of Major General A'Court from his majeſty's ſervice is a freſh inſtance of the wiſdom of the preſent a-----n, and cannot fail of having its proper influence on the people in general, and the gentlemen of the army in particular. I ſhall not attempt to explain the principles on which this extraordinary ſtep has been grounded, as I would not err deſignedly; and it is poſſible I might err, ſhould I attempt to comprehend the mechaniſm of ſo curious a piece of machinery, wherein wheels within wheels puzzle the obſerver, and leave him at a loſs how to account for the production even of the harlequin of a miniſter. The ſpectators ſee indeed the lawyer's wig, the fox's bruſh, and the andrew ferrara; and therefore, by the force of an happy imagination, fancy there muſt be wiſdom, cunning, and bravery; but in this ſtep there appears to be neither the ſmalleſt portion of wiſdom, or even of political cunning; and perhaps to ſome, fear and deſpair may ſeem the principal ingredients.

Though a particular number of the North Briton has, by, no doubt, a juſt and impartial ſentence, been conſigned to eternal ignominy and ſmoaky faggots, I am ſomewhat uncertain, whether the letter of a ſecretary at war, which was annexed to it, was condemned with that paper to the flames; if it was, no doubt that too was a juſt deciſion; however the matter of fact continues the ſame; and it may not be therefore improperto refreſh the reader's memory ſo far as to acquaint him, that this is the officer, who refuſed to diſcharge a private man at the dictatorial command of a ſecretary at war;

war; in whoſe letter even the name of his majeſty had been proſtituted to countenance orders expreſly contrary to an article of war; and that this is the officer, who by that proper exertion of ſpirit preſerved the independency of the gentlemen of the army and the credit of his poſt. I hope this behaviour has never been conſtrued by any of his majeſty's ſervants as an offence againſt our ſovereign; becauſe I ſhould be ſomewhat apprehenſive, leſt high treaſon by the ſame worthy expounders of the law ſhould be defined to be an offence committed in ſupport of the conſtitution againſt the ſacred perſons and government of any of the officers of ſtate. In this manner may ambitious miniſters deceive their ſovereign, pour poiſon into his ear, and make him believe, that the faithfulleſt of his ſubjects are traitors to him, when the wiſh to inſure to him the love and gratitude of a free people, inſtead of the forced homage of a few abject wretches ſlaves to miniſterial influence and corruption.

I have heard it confidently reported, that this gentleman has not in every parliamentary debate been exactly of the ſame opinion with the miniſterial party; I ſhould be extremely loth to believe, that any miniſter would act at the hazard of his head, in open defiance of the firſt baſis of our conſtitution, I mean the liberty of the members of both houſes of parliament; yet to what cauſe can his diſmiſſion be attributed?—None has appeared.

If then the rule ſhould ever be eſtabliſhed, that after long ſervices, and a life of ſuch fatigue, which nothing but a true ſenſe of honour can ſupport, an officer, being a member of parliament, might be diſcharged without reaſon given, I ſhould think the officers of the army, being members of parliament, muſt, for the good of the nation, as well as their own ſakes, join in legal amity to defend the honour of an Engliſh army; and ſhew the world that they act with or againſt miniſters, from principle

ciple, not dependency, otherwiſe they hold their ſtations in the army not from their merits, their experience, and the ſupport of a due military ſubordination, but on ſuch vague and abject terms, that they may be ruined at the blaſt of a miniſter's breath, and as ſome in bad times have gained places by the means of the miſtreſſes of miniſters, ſo the beſt and braveſt of a good and brave people, may be in future times, ſacrificed to the adultery of one, or the whoredom of another. I hope no miniſter in theſe times, commits adultery, or keeps miſtreſſes, whilſt the vengeance of the law is high lifted up againſt the crimes of other individuals.

PUBLICOLA.

A ſhort anſwer was made to the above letter, in which the principal paſſage was, viz. ‘ neither ‘ a civil requeſt from the ſecretary at war, nor his ‘ majeſty's commands could prevail on Major General A'Court to diſmiſs a private ſoldier, though ‘ there were many to be diſmiſſed out of each company.’

To which Publicola made the following reply.

THERE was no civil requeſt, but an *abſolute order*; if my antagoniſt allows there was ſuch a requeſt, the ſecretary at war ſeems to have doubted of the validity of the poſitive command, and attempted to ſtrengthen the order by his private intereſt with the general: if there was a requeſt, I do not think a field officer is obliged to comply with every requeſt of a ſecretary at war, under pain of incurring *his majeſty's diſpleaſure*, or running the riſque of being *turned out of the army*: it is a civil requeſt indeed, the refuſal of which may be productive of ſuch diſagreeable conſequences. However, if the ſecretary at war, *quatenus*, private gentlemen,

gentleman, had aſked the favour of the field off—, it is probable it would not have been refuſed. The caſe is altered, when an abſolute command comes directed from the office of the ſecretary at war; there the officer, to whom it is directed, will conſider how far he is bound to obey; and though he might be willing to comply with a civil requeſt, ſurely no officer will ever ſubmit to *any command*, which, by the laws of the land, and articles of war, allowed by thoſe laws, he is not poſitively ſubjected to; it would be a ſervility unworthy of any officer; an affront at which his honour muſt take alarm.

How far then is a field officer obliged to diſmiſs a private ſoldier, on receiving a letter like this from the ſecretary at war? contempt or diſreſpect to his majeſty is not the point; if the general had been called to a court-martial, and the ſecond ſect. of art. II. had been urged againſt him, I believe, the ſecretary-caſuiſt would have cauſed a ſmile, and the general would have been acquitted with honour, of a charge founded in ſophiſm, and not in the principles and known uſage of the army. For my part, it is clear to me, that he is not ſo obliged: it is the duty of officers to obey commands ſignified by the ſecretary at war in his majeſty's name, which the articles of war direct ſhall be obeyed: if any matter be left at the option of the officers, it ſeems neceſſary, in order to deſtroy the validity of the articles ſigned by his majeſty, and to take away that freedom of choice, that the command reverſing the former article, ſhould be under the ſame hand, otherwiſe the officer allows greater authority to a command ſignified by the ſecretary at war, than to articles under his majeſty's hand, which ſeems to me at leaſt, who am no officer, very abſurd. I argue not, that his majeſty, authoriſed as he is by the mutiny act, may not make new articles when he pleaſes; but,

I ſay,

I ſay, it is not in the power of a ſecretary at war, nor of my antagoniſt, to explain away articles of war, which cannot be altered but by the ſame authority which made them. As to the meaning of the third ſect. art. II. I judge the meaning from the words, which reſtrain not only the abuſes of the recruiting officers, but many other, poſſibly greater, inconveniences: the commander in chief, or his ſecretary, might otherwiſe, *in bad times*, ſell diſcharges, as well as recruiting officers, and poſſibly by ſuch practices might ruin the ſtock-purſe of a regiment, and conſequently ſpoil the regiment; they might, *ad libitum*, diſmiſs a ſtout able-bodied fellow, and keep a forcible feeble, a magnanimous woman's taylor. It is miſleading to the public to aſk, 'Cannot the king diſmiſs a private ſoldier, when he 'may and has diſmiſſed a general?' becauſe ſuch a diſmiſſion of a general is agreable to the law of the land: in the other caſe, the requiſites are not complied with; the article is in force, the field officer under that article has his option, and does not chuſe to be dictated to by a ſecretary at war, in a matter in which that ſecretary at war had no authority; if his majeſty annuls that article, and gives his power to the ſecretary at war, it will then be the duty of a field-officer to ſubmit to his majeſty's commands, becauſe this new article is, by virtue of the mutiny-act, become part of the law of the land. At preſent it is no where declared, that a field-officer is obliged to diſmiſs the man; and therefore, as he has it in his option, he may poſſibly *not chuſe it*; which ſeems to me a ſufficient anſwer.

Thus having refuted the arguments produced, I ſhall affirm, that it was not an obſtinate ſpirit of oppoſition, but the ſpirit of an experienced officer, who had, from his youth, been bred in the army, and had given up every other proſpect in life to that honourable profeſſion, which now is deprived of his

his ſervices; I hope not for this inattention to a ſecretary at war; for if this was the caſe, every officer, even of the higheſt rank, muſt, in all points ſubmit to the better experience of a new and young commiſſioned officer, a ſecretary at war.

I ſhall conclude with inſiſting, that major general A'Court meant not, on his part, to infringe the law; and, though it is the undoubted right of the crown to diſmiſs any officer, it is not always a prudent ſtep, even in the moſt popular miniſter, to adviſe ſuch a diſmiſſion, *without aſſigning a cauſe.*

PUBLICOLA.

On the diſmiſſion of lientenant geneneral CONWAY.

Vis abeſto: *nihil eſt enim perniciosius civitatibus nihil tam contrarium juri et legibus, nihil minus civile et humanum, quam compoſita et conſtituta republica quicquam agi per* vim.

IT is now evident, beyond a doubt, by what diſgraceful tenure every office, in the gift and the reſumption of the *chieftains*, has been for ſome time, and at this hour is held. Ability, experience, and integrity, are not with *them* the means conducive to procure ſtability to the poſſeſſor; he muſt be able, with the ſatyr in the fable, to blow hot and cold; he muſt be diſciplined to ſay aye or no, at the word of command, he muſt feel no remorſe at puniſhing a printer, with the utmoſt rigour, for the ſmalleſt indiſcretion; yet be poſſeſſed with phlegm and moderation to acquit, in the next breath, the great delinquent, who ſhould apprehend *illegally*, commit to cloſe impriſonment *illegally*, and ſeize *illegally* the private papers even of a member of parliament. By *him* a privilege to-day muſt be held ſacred and inviolable, the ſame muſt be declared to-

morrow

morrow a rank nuiſance or non-entity. In ſhort, he muſt be ready and accommodating with his *vote*, his *lie*, his *oath*, if neceſſary; and then it matters not how deſtitute he is of every other qualification.

The perſecution, exerciſed upon the friends, dependents, and relations of the duke of Newcaſtle, affords us a moſt glaring proof, how far the malice and mean-ſpirited reſentment of the *clan* will carry them. Theſe modern Syllas have exceeded, in proſcription, their great pattern and original; they have extended *their* revenge, with inhumanity that is unprecedented, *beyond the grave*: even ſome, who owed their ſole ſupport to the benevolence and generoſity of the late Mr. Pelham, were turned adrift and left to ſtarve, without ſo much as the *pretence* of an offence. The brothers, couſins, and relations of the worthieſt patriots, who were too brave and honeſt to kneel down to the invaders, ſaw creatures of more pliant ſtuff put daily in poſſeſſion of their places, without impeachment of their conduct, or any intimation previous to their removal. The *northern politicians* thus have built their edifice of tyranny by *force* and *terror*, as the Jews did of old their temple, *ſword in hand.*

The nation (who can wonder at it?) took the alarm, and manifeſted an abhorrence of ſuch odious violences; nor will the ferment, raiſed by them, ſubſide, till the ſame diſpoſition ſhall appear to right the injuries of *Engliſhmen*, that operated with ſuch cordial energy to the relief of the beloved *Scotchman.*

The late diſmiſſion of lieutenant-general *Conway*, with the ſimilar fate of other worthy-officers before, revives the memory of paſt indignities, and has renewed the general conſternation. The gentlemen, particularly of the army, aſk one another with ſurprize, *of what offence he has been guilty? when*, and

and before *what court martial he was tried?* they ſuffer for their brother officer's misfortune; they are not without apprehenſions for themſelves; and they feel not a little for the honour of their profeſſion. It is not yet declared authentically, of what omiſſion or commiſſion, as an officer, he is accuſed. The character he bears, moſt amiable and unexceptionable in all reſpects, inclines them to believe he muſt have been *maliciouſly miſrepreſented*, as was the recent caſe of general *Monckton*.

It is, as I have ſhewn, the plan purſued by the *dictator of the north*, and his devoted *vaſſals*, to *turn out* every perſon, great and ſmall, who will not take their covenant, and yield to their imperious edicts. The gracious ſyſtem of theſe honeſt freebooters, is *abſolute ſubmiſſion*, or the *bow-ſtring*.

When loſs of rank and office is the *certain* conſequence of not approving *all* the meaſures of the miniſter, the approbation of them *in the lump*, will be ſuſpected to proceed from *fear alone of his diſpleaſure*. But fear, the uſual prop of tyrants, is too weak a ſtaff for power to lean upon for any time with confidence and with ſecurity.

HONESTUS.

Written on the ſame occaſion.

IT has been the ſtale and hackneyed artifice of miniſters, (eſpecially of *bad* ones) in paſt times, and we muſt not wonder therefore if it ſhould be practiſed in the preſent, to call *their own meaſures the meaſures of the king*, and to load their royal maſter with their *perſonal guilt*. Indeed if any of them proved ſucceſsful, they were forward enough to arrogate the whole merit to themſelves. Whenever they were queſtioned and became unpopular, theſe *undertakers of affairs* and *farmers of majeſtic authority*,

authority, retired moſt daſtardly behind the ſeven-fold ſhield of the prerogative, and by that paltry ſtratagem endeavoured to remove the weight from their own ſhoulders. In the firſt inſtance, they could make their boaſt, that they were the immediate and conſummate adviſers; but in the laſt, the *cant* word generally was, that *they were ſorry for it, the king would have it ſo*; or (as the more categorical anſwerer of the Budget chuſes to expreſs it, by what authority he beſt can tell) *the king would think and act for himſelf*. Thus weaving their own intereſt and that of their ſovereign together, to make them appear *one common cauſe*, they drew *him* into their quarrels, as the prieſts do God Almighty into theirs, and by placing his reſpectable perſon before you, attempted to make *themſelves* ſafe, not caring how much they expoſed *him*. They did the *king's buſineſs*, as they called it; and if any man ventured to blame their manner of conducting it, they cried out with one mouth, that the *king was wounded through their ſides*; and all, who liked not their proceedings, were proſcribed as enemies to *him* and to the government.

Theſe poſitions being laid down, that their own meaſures were the king's, and that any oppoſition to them was an oppoſition to the king himſelf, the notable concluſion, which reſulted from theſe premiſes, was, to adviſe the king to let the heavy axe of power fall down upon the necks of thoſe, who ſhould have the preſumption to oppoſe *him*, or rather *them*,

But ever ſince the happy ſucceſſion of the houſe of *Hanover*, this unconſtitutional doctrine of *paſſive obedience* to the meaſures of the temporary miniſter, has been exploded; as indeed it ought to be, with the utmoſt contempt, in a free country; ſince it is abſolutely deſtructive of the very fundamentals of all liberty.

In

In the two laſt auſpicious reigns, the patriots of thoſe times *inſiſted* always, that the meaſures recommended to the crown by the then miniſters, were to be regarded only as the meaſures of the adminiſtration; nor would they ever allow, that an oppoſition to the *ſervant*, who was reſponſible to the nation for his conduct, ought to be conſidered as a diſreſpect or inſult to the *maſter*.

It was under the ſanction of this declaration that the *very ſervants of the king's ſon* (many of whom are now placed in ſtations of the greateſt truſt, in recompence for their diſtinguiſhed patriotiſm) oppoſed the miniſter for twenty years together; which *they*, we muſt ſuppoſe, would *not* have done, if they had thought ſuch oppoſition could be juſtly deemed an inſult to the king himſelf. And we muſt do this juſtice to the miniſters whom they ſo ſteadily oppoſed, that they diſdained to *ſneak behind the throne for ſhelter*; but manfully confeſſed themſelves accountable to the tribunal of the public for all the acts of government they had adviſed. Let it not be forgotten neither, that every ſeſſion, eſpecially for the laſt fourteen years, produced in parliament, examples of placemen, in the higheſt offices, oppoſing ſtrenuouſly each others ſentiments. The miniſter of *thoſe days* meant honeſtly; he therefore ſcourged not his opponents, *with an iron rod*, but, as the hiſtorian, *Tacitus*, obſerves, the Romans did, in times of liberty, *verba verbis ultus eſt*, he ſcorned to have recourſe to force and violence, that *ratio ultima regum*, or more properly, the laſt and deſperate reſource of tottering adminiſtration.

I ſhall conclude with a paſſage or two out of the celebrated *monſieur Balzac*, which were formerly quoted upon the ſame ſubject by the Craftſman.

'What therefore ſhall we ſay to thoſe *inſolent* 'favourites of fortune, who, with flying colours, 'attack the authority of the *laws*, and of *common* 'juſtice; who bring to the government of the ſtate, 'a premeditated deſign to deſtroy it?

'What ſhall we ſay to thoſe *inſupportable ſervants* who revenge *their own little quarrels* with 'the arms and weapons *of their maſter*; who de-'clare all perſons, who will not become their 'tools and *proſtitutes*, to be enemies to his *majeſty*; 'who, by a cruel, bloody, and moſt deteſtable 'peace, throw the people into *deſpair*, and endea-'vour to precipitate them into *rebellion* for their 'own preſervation.

On granting a patent of precedence to a great lawyer.

AN honourable perſon having lately kiſſed his majeſty's hand on his having a patent of precedence at the bar, it may not be unacceptable to ſome of your readers, to enquire into the nature of this office, its uſe in the commonwealth, the relation it has to the crown, and how it came into the conſtitution, and what degree of honour it confers upon the patentee.

It is well known, that the kings of this country, have always been attended by a military guard for the ſafety and protection of their perſon; and by a civil guard of lawyers, for the ſecurity of their property. The latter were called the king's council learned in the law; and, until the reign of the Stuarts, conſiſted of a very ſmall corps, made up of four of the ſerjeants, the attorney and ſolicitor general. The ancient kings of this country were contented with this ſmall and reverend guard, which in thoſe times was thought ſufficient to defend the king, and occaſionally to annoy his ſubjects.

When

When the bleſſed family of Stuart took poſſeſſion of the Engliſh throne, the firſt of that anointed family began to ſet up a narrow and tyrannical intereſt ſeparate from the people; and he and his royal poſterity may be truly ſaid to have conſtantly been at law with their ſubjects. Princes of ſuch litgious diſpoſitions muſt have been under an abſolute neceſſity of increaſing their band of lawyers.

About the end of James, and the beginning of Charles the firſt, Sir Edward Coke, Mr. Selden, and other lawyers, who were in the houſe of commons, oppoſed the arbitrary meaſures of the court with ſo much zeal, ability and integrity, as has never been equalled ſince (but by the lawyers of our time.) They conſtantly oppoſed and impeached the validity of ſtate prerogative warrants, and raiſed that ſpirit and love of the laws, and liberty of their country, which laid the foundation of the glorious revolution, which is now as much forgot as the expulſion of the Danes.

To oppoſe the advocates of the people, it became expedient for this king to recruit his corps of mercenary lawyers, and raiſe a new company of black huſſars, to be advocates for prerogative againſt the rights of the people. As prerogative ſupplied all defects in the conſtitution, his majeſty thought fit to create by patent, a new ſet of amphibious ſtate lawyers, and called them by the title of the king's council extraordinary. Theſe gentlemen penſioners were very uſeful in the houſe of commons, to perplex and confound with their jargon, to vote againſt the people who elected them, to miſlead in the cabinet, and brawl for prerogative in the courts of juſtice. This patent, attended with a ſalary, was a retainer for the king againſt his country. It was, and has ſince been granted during pleaſure only: it kept the patentee in a conſtant ſtate of dependance and proſtitution.

In the reign of the moſt religious and gracious king, Charles the ſecond, theſe prerogative lawyers had, by the neceſſities of the ſtate, increaſed to a conſiderable number, and began, by the ſtrength of their majority, to claim and ſtruggle for precedence at the bar next to the king's ſerjeants, and before all others either ſerjeants or barriſters. The judges of theſe times had ſuffered theſe new created crown tools, to be heard before the ſerjeants, who, after an ineffectual ſtruggle in Weſtminſter hall to obtain their right, brought this matter of precedence before the king in council. After a very learned hearing and debate, in which the aukward gravity and habit of the ſerjeants, produced much entertainment to his majeſty; a conſiderable majority of that privy council, decided the precedence in favour of the ſerjeants. But as my friend, a lawyer, who furniſhed me with this anecdote informs me, one of theſe patent council having been promoted to his dignity, by a miſtreſs of that godly king, his majeſty was pleaſed to declare, that as he had a prerogative right to give precedence to whom he ſhould graciouſly pleaſe in his own court, he did then command, that his council extraordinary, ſhould from thenceforth have precedence of his ſolicitor general, and before the reſt of the bar. From that time to the preſent, theſe advocates have taken upon them the ſtile of king's council, and are diſtinguiſhed from the reſt of the bar, by wearing a ſilk gown, and a very large full bottom wig, the latter of which they ſay is wore in honour to their founder. This amphibious law-office has been in great eſtimation at court from that time till the preſent, and the body filled up with proper recruits by all ſucceeding miniſters; as a ſet of court dependents, bought at the public expence, and ſecured by continual hope of ſucceeding to the bench.

The

The injuſtice of giving prerogative precedence has been continually complained of, and the legality of the patent always doubted. But a dependent majority in the houſe of commons has been thought ſo neceſſary a ſupport to our conſtitution, that the moſt virtuous and frugal miniſters, have not ſcrupled to ſacrifice every other conſideration to that important purpoſe.

But this civil body guard of the crown, have, after a full enjoyment of the rewards of this parliamentary eloquence, and after having moſt deſervedly engroſſed the judgment ſeats, from which they removed their great grandmothers, the ſerjeants, had a new ſet of lawyers, more amphibious than themſelves, raiſed up againſt them, and ſeem to have thruſt them from their ſtools. This modern company of black gowns, who have not as yet obtained a name, have been created by a patent called a patent of precedence, which ſeems to be a further extenſion of the prerogative. But as theſe have been thought more convenient tools in the hands of a miniſter, than the other, it is much to be apprehended, they will be the majority, and moſt likely to be in the meridian of the court favour, and to outſtrip others in the political reward of preferment.

What uſe this officer is to the commonwealth, it is above my knowledge, in ſuch nice political matters to determine. What relation it has to the crown, or how it came into the conſtitution, I do not know. What degree of honour it confers, I ſhall leave the patentees to determine.

It may be conſidered in one light, as a great advantage to the public; for if a popular advocate can be ſecured to turn his voice againſt his country, for ſo ſmall conſideration as a patent to ſit above his elder brethren, it would, in corrupt times, have been a real ſaving of a penſion or ſalary to the public. It

has one inconvenience, which is wanting in the conſtitution of the other court council; if the gentleman is not brought over till after he is a member, the giving this patent, which, (though much coveted and never fails increaſing the lucrative employment of lawyers) yet as there is no viſible ſalary, it does not vacate an election; and ſhould one of theſe, after being choſen by his county to ſupport their intereſt, ſell them for a ſilk gown, and the ſeat be thereby vacated, perhaps his conſtituents might refuſe chuſing him again.

But enough of paſt times; I come now to the preſent, which will contradict many things I have ſaid. We have now a virtuous, juſt and upright adminiſtration, bottomed upon the univerſal love, confidence and eſteem of the people, who want no influence to create a dependent majority.

The gentlemen of the long robe who poſſeſs theſe patents, are more in number then the penſionary council. But that I may avoid compariſon I would ſay, are more eminent, more independent, more wiſe, more learned, more virtuous, more religious, more conſcientious, greater lovers of liberty and the conſtitution, king and miniſters, than any regiment in his majeſty's ſervice. As to the honourable gentleman who occaſioned my making this ſuperficial enquiry, has not he reſigned a more lucrative employment, for a poſt without a ſalary, and without any view of future promotion? He has acted ſo even, that it is difficult to know whether he has gained or loſt reputation by the change. All think him totally indifferent to the miniſter and people. He is ſet down below Sir Fletcher Norton, but ſtill precedes all the reſt of the law penſioners.

On a late PATENTEE.

SEE! from his colours, turncoat —— retreat!
And humbly caſt himſelf at G——lle's feet;
Warm from his heart, in copious muſic now,
Prerogative's melodious accents flow;
While tame ſervility, with longing eyes,
Courts, and would hope, a H—y's ſ—l the prize.
Why lives not Churchill's ſpirit to rehearſe,
Such proſtitution in immortal verſe;
And, on the ſtrong foundation of ſuch ſhame,
Erect a monument to N——n's fame?
Tho' dead the muſe, yet hiſt'ry ſtill remains
And truth, to bluſh at ſuch unmanly ſtains.

An epigram on a certain lady's coming into the rooms at Bath, with a diamond creſcent in her hair.

CHASTE DIAN's creſcent on her front diſplay'd,
Behold! the wife proclaims herſelf a maid!
Come, fierce TAILLARD, or fiercer JULIUS come,
On this fair ſubject urge the conteſt home;
Pluck honour from this emblematic moon,
And ſolve the point which puzzles W——N:
This radiant emblem you may then tranſpoſe,
And give the horned creſcent to the ſpouſe.

An article having been in the papers of the earl of Bute, preſenting a pair of uncommon fine doves and a parrot to the p—— of W———; the following lines appeared ſoon after.

A Pair of doves, and ſent me by my Bute;
Dear birds, how well the tender wiſh you ſuit;
Two pair of am'rous doves, both highly bred,
And one of love's own colour, flaming red.

Dear birds! repeats the fair, and heaves a ſigh,
Congenial fondneſs kindling in her eye.
Poll ſcreams: away, thou art no bird for me,
She crys; you parrots talk, as well as ſee.

A ſketch of Louis the XIIIth's character, as given in the life of lord Herbert.

HIS underſtanding and natural parts were as good as could be expected in one that was brought up in ſo much ignorance, which was on purpoſe ſo done, that he might be the longer governed, nor did he even in time acquire any great knowledge in affairs, as converſing for the moſt part, with weak and inactive miniſters. He was noted to have two qualities almoſt inſeparably incident to all who have been ignorantly brought up, ſuſpicion, and diſſimulation; for as ignorant perſons walk ſo much in the dark, they cannot be exempt from fear of ſtumbling; and as they are likewiſe deprived of, or deficient in thoſe true principles, by which they ſhould govern both public and private affairs in a wiſe, ſolid, and demonſtrative way, they ſtrive commonly to ſupply thoſe imperfections with covert-acts, which though it may be excuſable in neceſſitous perſons, and though it be indeed often practiſed amongſt thoſe, who negociate in ſmall matters, yet is condemnable in princes; who, proceeding upon foundations of ſtrength and reaſon, ought not to ſubmit to ſuch poor helps.

His favourite was one monſieur de Luynes, who in his non-age had gained much upon the king, by making hawks fly at little birds in his garden, and again, making ſome of thoſe little birds catch butterflies; and indeed, had the king uſed him for no other purpoſe, he might have been tolerated; but as when the king came to a riper age, the government of public affairs was drawn chiefly from his counſels,

not

not a few errors were committed, which the parliament of Paris reſenting, impeached and brought him to judgment.

Princes deceived by wicked miniſters.

THE unhappy condition of princes, into which they are for the moſt part betrayed by their pre-eminence and greatneſs, has been lamented by the wiſeſt and moſt virtuous amongſt them in all ages. The profligate, the needy men of abandoned characters, and of deſperate fortunes, the falſe flatterer, and the baſe betrayer, preſs impudently forward to ſurround and to beſiege the throne. It was a ſenſe of theſe diſadvantages and deluſions, which made the great emperor *Dioclesian* declare, in his retirement, 'that of all undertakings, the 'moſt difficult and arduous was, to govern well.' He uſed to ſay, [Hiſtor. Auguſt. Scriptor, tom. ii. p. 531. *Colligant ſe quatuor vel quinque*, &c.] that '*Four or five men uſually form themſelves into a ca-*
'*bal, and conſpire together to deceive and to betray*
'*their royal maſter. This knot of knaves preſcribes*
'*what he is to think, and puts into his mouth the*
'*very words he is inſtructed to utter. They ſhut him*
'*up, and, as it were, impriſon him in his own pa-*
'*lace, ſo that truth ſhall never be able to come near*
'*him. He is permitted to know nothing but what they,*
'*or their ſpies planted about him, think fit to tell him.*
'*By their intrigues and influence, he prefers the moſt*
'*undeſerving men to the firſt dignities and poſts in the*
'*empire; and, to make way for them, diſgraces and*
'*diſpoſſeſſes the moſt worthy of his ſubjects, and the*
'*moſt devoted to his intereſt. In ſhort, in this*
'*ſhameful, miſerable manner, are often the moſt vir-*
'*tuous, the beſt intention, and the wiſeſt emperors, ta-*
'*ken captive, made a property of, bought and ſold.*'—
Thus far Dioclesian.

That

That ſuch has generally been the fate of arbitrary ſovereigns, whoſe wills alone were a law to their ſubjects, the hiſtories of paſt times ſufficiently have manifeſted; but the obſervation has not been ſo frequently verified in limited monarchies; and the caſe is far otherwiſe, *at preſent*, in this happier land of liberty; where the prince muſt govern his people by fixed and known ſtatutes, to which all have given their conſent, and by which *himſelf* is bound alike with the pooreſt peaſant.

Nor can a prince, under our well-tempered conſtitution, have his eyes long *muffled*, or be kept in *total* ignorance of the opinion entertained, by the *majority* of the nation, of his adminiſtration, or of the hardſhips they may at any time endure, from the *intemperance* or *ignorance* of his ſtate-officers. The Engliſh are an honeſt, ingenuous, and not to mince the truth, a blunt people. As they have no reaſon to harbour fear, the laws of the land being their protection, ſo neither are they, as in the countries of oppreſſion and ſlavery, obliged to wear the maſk of ſmiles upon the face of anguiſh, and cover diſcontent and miſery with diſſimulation. Beſides the privilege they have by the *bill of rights*, and the *act of ſettlement*, to petition for redreſs, they never fail diſcovering, *daily*, upon every occaſion that offers, by their words, their actions, nay, their very looks, the judgment they have formed of the conduct and characters of thoſe who have the direction of their public concerns. Their joyful acclamations, or their gloomy ſilence, their marked expreſſions of reſpect and zeal *at one period*, or their no leſs remarkable neglect, and even oppoſition at another, will indicate, and demonſtrate to a diſcerning prince, to what degree the *credit* of his miniſters at any time riſes, or how low it is continually ſinking in the great *national barometer*.

Whereby

Whereby that prince who has a ſincere affection for his people, and does not hold his regard for prerogative above every other conſideration, will be directed to take the proper means to avoid the great riſk he would otherwiſe run, of loſing the hearts of his people, by a miſtaken and ill placed firmneſs, in ſupport of an unpopular and deteſted ſet of miniſters. He may, with a little pains, diſcover beyond a doubt, when his miniſters are become *odious* or *contemptible*, and conſequently when it highly concerns his own as well as the public happineſs and tranquility, to diſmiſs them from his ſervice.

It was the declaration of that great and wiſe monarch *Henry the fourth of France*, ſo far was *he* from thinking himſelf under any tie of honour to maintain a bad miniſter againſt the cries of his people, that a *general odium*, or *ſuſpicion* only, was ſufficient grounds for the diſcarding him. Indeed the famous *earl of Strafford*, as lord Clarendon obſerves, held the ſenſe of the nation in the utmoſt *contempt*; and no doubt inſtilled the ſame bad opinion of them in his royal maſter; but the error and the *danger* of advancing ſuch an arbitrary doctrine amongſt free-born *Engliſhmen*, were evinced by the event; for his deſtruction, (according to the ſame noble writer) was at laſt brought upon him, by *two things*, that he had moſt deſpiſed, *the people*, and Sir *Harry Vane*.

A lover of the king and conſtitution.

Power of the treaſury in elections.

WE have been often told by miniſterial writers, that our conſtitution hath not been in the leaſt injured or violated, that we are now as free a people as can be, and enjoy all the liberty human

human nature is capable of, as we are ſubject to no laws, but ſuch as are of our own making; that is, by our own repreſentatives freely choſen to parliament. But, Sir, though the people were as free in their choice of repreſentatives, as ſuch writers aſſert, yet may not ſuch members be afterwards biaſſed by the crown? And ſhould we ever live to ſee an houſe of commons wherein there were near two hundred placemen and penſioners, could ſuch a parliament be ſaid to be free and independent? But indeed, the freedom of electing our own repreſentatives, though ſo much boaſted of, is not ſo perfect as every friend to the conſtitution of his country could wiſh; for may it not be truly ſaid, that a fifth part, at leaſt, of the boroughs, take, according to the modern phraſe, a recommendation from the treaſury, and chuſe ſuch perſons as are utterly ſtrangers to them? Now, in ſuch caſe, I ſhould be glad to know, whether perſons ſo elected, can be properly called repreſentatives of the people; or whether they are not rather commiſſioners from the treaſury; and whether laws made by the force of their votes, can be juſtly called laws made by the conſent of the people? In our maritime counties is not the power of the admiralty exceſſive? Are not the number of dockmen and cinque-port officers as regularly computed at ſuch county elections, as a gentleman reckons his own tenants? And what is ſtill worſe, are not many of our boroughs totally governed by this miſchievous dependence? Hence we ſee little, low creatures, ſent down from above, and forced upon ſuch electors, in prejudice to the neighbouring gentlemen, whom they love and honour, as much as they deſpiſe and abhor the muſhrooms whom they are compelled to chuſe. But they have places in the cinque-ports, or work in the docks, and are therefore looked upon as the properties of the admiralty. The candidate comes to them with a

letter

letter from thence, and it is well known, that they muſt pay obedience to it, or forfeit their bread. By theſe means, little dirty tools of power have often been dragged into parliament, and preferred to gentlemen of the beſt families, characters, and intereſts in the neighbourhood.——For my own part, Sir, I know not how to call ſuch perſons repreſentatives of the people. I cannot help looking upon ſuch members in the ſame light with my lords the B——s who are elected by a *conge d'elire* from the crown; and, like them, I think they ought to be placed on ſeparate benches, apart from thoſe honeſt county gentlemen, who are choſen by the free and uninfluenced voice of their fellow ſubjects.

Curious deſcription of Weſt Wycombe church, &c.

I AM juſt returned from a tour into *Buckinghamſhire*, which has afforded me much pleaſure. The noble proſpect from CLIEFDEN HOUSE enchanted me, and I was in raptures with the many elegant beauties of *Stowe*. As an *Engliſhman*, I was pleaſed that all the great patriots and heroes of *my* country, *Alfred*, *king William the third*, *Hampden*, *Sir Walter Raleigh*, &c. receive *there* that juſt tribute of praiſe, which this nation, while it remains free, will continue to pay to ſuperior virtue. At *Stowe* both *antient* and *modern* virtue are enſhrined with grateful magnificence. Not only *good taſte*, but *patriotiſm*, are conſpicuous in that delightful Paradiſe, the favourite abode of the *virtues*, *graces*, and *muſes*. STOWE, however, has ſo often been deſcribed by abler pens, that I ſhall dwell no longer there, though I never leave it without the moſt ſenſible regret.

I returned by *Weſt-Wycombe*, and paſſed a day in viewing the villa of lord *Le Deſpencer*, and the *church* he has juſt built on the TOP of a hill, for the

the *convenience* and *devotion* of the town at the BOTTOM of it. I muſt own, the noble lord's gardens gave me no ſtronger idea of his *virtue* or *patriotiſm*, than the ſituation of the *new built church* did of his *piety*. Some *churches* have been built from *devotion*, others from *parade* or *vanity*. I believe this is the firſt *church*, which has ever been built for a *proſpect*. The word *memento* in immenſe letters on the ſteeple ſurpriſed and perplexed me. I could not find the *mori*, or perhaps the other word was *meri*, from the *practice* as well as the *precept* of the noble lord. As to the elegance of the *Latin*, his lordſhip has embarraſſed himſelf as little about that, as he has about the elegance of his *Engliſh*. *Memento meri* is beſides more *monkiſh*, and therefore more becoming *St. Francis*. This conjecture, that the other word on the outſide muſt be *meri*, is farther ſtrengthened by the magnificent *gilt ball* at the top of the ſteeple, which is hollowed and made ſo very convenient on the inſide for the celebration, not of *devotional*, but of *convivial* rites, that it is the beſt *globe tavern* I was ever in; but I muſt own that I was afraid my deſcent from it would have been as precipitate, as his lordſhip's was from a *high* ſtation, which TURNED HIS HEAD TOO. I admire likewiſe the ſilence and ſecrecy which reign in that *great globe*, undiſturbed but by his jolly ſongs, very unfit for the profane ears of the world below. As to *ſecrecy*, it is the moſt convenient place imaginable; and it is whiſpered, that a negotiation was here *entamée* by the noble lord himſelf, with meſſrs. *Wilkes* and *Churchill*. The event will ſhew the amazing power of his lordſhip's oratory; but if from perverſeneſs neither of thoſe gentlemen then yielded to his wiſe reaſons, nor to his dazzling offers, they were both delighted with his *divine milk punch*.

There is one remarkable temple in the gardens at *Weſt-Wycombe*, dedicated to—the *Egyptian Hieroglyphic* for ****. To *this* object his lordſhip's *devotion*

votion is undoubtedly ſincere, though I believe now not *fervent*, nor do I take him to be often *proſtrate*, or indeed in any way very regular in his *ejaculations*. He is however *here* conſiſtent, for he keeps up the ſame *public worſhip* in the county, which he has been accuſtomed to in town. There was for many years in the great room at the *king's arms tavern*, in *Old Palace-yard*, an original picture of *Sir Francis Daſhwood* preſented by himſelf to the *Dilettanti* club. He is in the habit of a *Franciſcan*, kneeling before the *Venus of Medicis*, his gloating eyes fixed, as in a trance, on what the modeſty of nature ſeems moſt deſirous to conceal, and a bumper in his hand, with the words MATRI SANCTORUM in capitals. The *glory* too, which till then had only encircled the ſacred heads of our Saviour and the Apoſtles, is made to beam on that favourite ſpot, and ſeems to pearce the hollowed gloom of *Maidenhead Thicket*. The public ſaw, and were for many years offended with ſo infamous a picture, yet it remained there, till that club left the houſe. As to the temple I have mentioned, you find at firſt what is called an *error in limine*; for the entrance to it is the ſame entrance by which we all come into the world, and the *door* is what ſome idle wits have called *the door of life*. It is reported that, on a late viſit to *his* chancellor, lord *Bute* particularly admired this building, and adviſed the noble owner to lay out the 500l. bequeathed to him by lord *Melcombe*'s will *for an erection*, in a *Paphian* column to *ſtand* at the entrance, and it is ſaid he adviſed it to be made of *Scottiſh* pebbles. There are in theſe gardens no buſts of *Socrates*, *Epaminondas*, or *Hampden*, but there is a moſt indecent ſtatue of the unnatural ſatyr; and, at the entrance to the temple I have mentioned, are two urns *ſacred* to the *Epheſian matron*, and to *Potiphar's wife*, with the inſcriptions *Matronæ Epheſiæ Cineres*, *Dominæ Potiphar Cineres*. Between theſe urns, containing

taining *the ſacred aſhes of the great and virtuous dead*, which are, with a happy propriety, DOUBLY GILT (though not quite ſo ſtrongly as that at *Hammerſmith* for the aſhes of lord *Melcombe*'s—wife) you aſcend to the top of the building, which is crowned with a particular column, deſigned, I ſuppoſe, to repreſent our former very *upright* ſtate, when we could ſay *fuimus tories*, *fuit ingens gloria*, and is ſkirted with very pretty underwood, the *Cyprian myrtle*, &c. the meaning of which I could not find out.

The houſe contains nothing remarkable, excepting only that there is on the grand ſtair-caſe a very moral painting of a maid ſtealing to her maſter's bed, laying at the ſame time her fingers on her lips, as if ſhe were the *Dea Angerona* of *Weſt Wycombe*.

On my return I had the pleaſure of ſeeing the noble lord's elegant *japanned* coach; but while I was reading his new motto in Gothic letters, *Pro Magna Charta*, the mob were hollowing, LIBERTY, PROPERTY, AND NO EXCISE; and I was forced to make the beſt of my way to the park, where I found a very odd thing, which I mean to preſent to the ſociety of antiquaries. It is a gold button, with IHS and the ſign of the *croſs*, enamelled on it, which I gueſſed to belong to ſome concealed brother of the ſociety of *Jeſus*, though a ſervant in *green* claimed it as the property of St. *Francis*, and ſaid that it was a part of the *pontificalibus* worn by his maſter when he officiated on certain feſtivals of high laugh at the myſteries of ——

I made afterwards a little tour to the celebrated abbey of *Medmenham*, the deſcription of which I am ſure would entertain you; but I am too fair a man to diſcloſe to the public the *Engliſh Eleuſinian* myſteries of that renowned convent.

A PARODY

A PARODY *upon the famous Battle of* CHEVY-CHACE.

GOD proſper long our noble king,
Our lives and ſafeties all;
What woeful diſcord once there did
In *Britain's* iſle befall!
To drive three kingdoms, hound and horn,
Earl St——t took his way,
The child may rue that was not born,
A Scotſman on that day.
The ſtout earl of Northumberland
A vow to God did make,
A daughter of this Scottiſh peer's,
His ſon to wife ſhould take;
The choiceſt honours of the land
To win and bear away;
The tidings to e— T—— came,
At Cotes's where he lay;
Who ſent lord Percy preſent word
He would prevent his ſport,
The ſtately earl not fearing this,
Did daily go to court,
With five and forty Bowmans * bold,
All choſen men of might,
Who knew full well in time of need,
To cringe and bow aright.
Theſe gallant heroes ſoon began
To gain the R—— ear,
At Chriſtmas they great places got,
As plainly doth appear;
And, e'er the ſpring was o'er, they did
A thouſand boons obtain,
Which once poſſeſs'd, they ſhrewdly went
To crave for more again.
The Bowmans muſter'd at Whitehall †,
Their votes were all ſecure;
And ſixteen of the U—r H——e
Each day were guarded ſure.

* See Bowman, in the farce of Lethe.
† The Cockpit.

Wild Highlanders forſook their holds,
Proud offices to take;
And Commiſſaries from the dales,
Did princely fortunes make.

To Sion-houſe earl P-rcy went,
('Twas in the Gazetteer;)
Quoth he, lord B— hath promiſed
This day to meet me here:

If that I thought he would not come,
No longer would I ſtay;
With that his lordſhip's gentleman,
Did on the ſtair-caſe ſay,

"Lo! yonder doth lord B— appear,
"I ſee his ſtar ſo bright,
"Full twenty yeomen, clad in plaids,
"Are marching in our ſight.

"All men of pleaſant Tiviotdale,
"Faſt by the river Tweed;"
Then call my ſon, (the C——s ſaid)
And ſign the deeds with ſpeed.

For now to the degree of duke
My huſband I'll advance;
And while he pranks it here at home,
Why I'll parade in France.

The bridegroom ſpoke the lady fair,
Then mounted on his horſe,
And ſo without his beaver rode,
Like Charles at Charing-croſs.

He wiſh'd for tilts and tournaments,
That he might break a ſpear.
The C———s, with a herald's voice,
Proclaim'd it far and near.

Young Percy on his long-tail'd ſteed,
Moſt like a warrior bold,
Pranc'd foremoſt of the company,
His houſing fring'd with gold.

Now all the chiefs in pow'r agreed,
That they might nothing fear,
To ſend ſuch terms to W-ll—m P—t
As he might deign to hear.

The firſt that did the tender make,
Was noble S——t, he,
Who ſaid, If thou will lift with us,
Thou Pr—y S—l ſhalt be:

So

So we'll cajole the clam'rous throng,
Whilſt I am ſtill in play;
And half the charges of the ſtate
Thyſelf ſhalt give away.

Nay hear me, B—, the patriot cry'd,
For e'er I hold with thee,
I know thee well, an earl thou art,
I too an earl muſt be.

Thy meaſures I will then adopt,
And all employments fill,
With Sh—lb—e, B——è, and ſuch folk,
For they have done me ill.

Let thou and I the burden try,
And ſet the reſt aſide;
Mackenzie to his poſt reſtor'd,
Nor C—md—n's ſuit deny'd.

Then ſtepp'd a gallant 'ſquire forth,
Will. B—ckf—d was his name;
Who ſaid, I would not have it told
On London 'Change, for ſhame,

That e'er ſuch treaty was on foot,
While I ſtood looking on;
You are two earls, ſaid Will B—ckf—d,
And I a 'ſquire alone:

I'll do the beſt that do I may,
This ſeſſion—if you ſtand,
And, for reward, I then ſhall claim
A peerage of the land.——

Our new allies did ſuch diſmiſs
Were found not ſtaunch and true,
The Yorkſhire and the Suſſex whigs
At once they overthrew.

To drive the city, hound and horn,
Lord Ch——m had the bent,
To move addreſſes at Guildhall,
In vain Hal. C—nw— ſent.

To quell a mob themſelves had rais'd,
Were new expedients found,
Whilſt many of our faireſt laws
Lay trampled on the ground.

O Lord! it was a grief to ſee,
And likewiſe for to hear,
The dire reproaches Ch——m bore
From t'other patriot p—r.

At laſt theſe two great e—ls did meet,
Like miniſters of might,
But for the nation's intereſt,
Of that they made but ſlight.

They talk'd until they both did ſweat,
With an outrageous zeal;
And hugely ſtrugled which of them
Should rule the commonweal.

Yield thou, e— T——, C—— cry'd,
In faith I will thee bring,
Where thou ſhalt high advanced be
By G—— our Britiſh ——.

The public good I'll freely give,
And thus report of thee,
Thou art by far the fitteſt man
To head the tr—ſ—y.

To th'earl of Ch—— T—— ſaid,
Thy proffers I do ſcorn;
I will not yield to any Scot
That ever yet was born.

Then ſtalking off, E—l C—— took
The tall man by the hand,
And ſaid, e— T——, for thy eaſe,
I'd give half Py—ſ—t's land.

O Lord! my very heart doth bleed
With ſorrow for thy ſake;
For ſure there's ſcarce a lord alive
But would ſuch bargain take.

A knight among the Scots there is,
Whom no one dare deny;
For him my couſin H—gl-y's wrath
I muſt and ſhall defy.

Sir H—y R-chf-rt is he call'd,
Of head and heart moſt bright;
Nor do I know ſo quick a man
For parlance or for fight.

He led our expeditions all,
Without or dread or fear,
And is in war as politics,
A hardy pioneer.

And there's a duke of force and might
Is full a match for Go—'r;
Nor did he treat like Ro—k———m,
Who turn'd me from his door.

So

So thus did both theſe patriots jarr,
Whoſe virtue none could ſtain ;
E—l Ch—— ſaid, I ſtill perceive
We may be friends again.

He had a crutch beneath his arm,
Made of a truſty tree ;
A paper in his gouty hand,
A cloth-yard long had he.

To this new liſt of pen——rs,
Some friends of Stowe he ſet ;
E— T—— took and rubb'd them out,
E'en whilſt the ink was wet.

Their ſquabbles held till cloſe of day,
From the meridian ſun ;
And when they rung the dinner bell,
The meat was overdone.

With the e— T—— there remain'd
The lord of L-ttl-t—n ;
And with his Grace of Bloomſbury,
R—gb—y that bold baron.

With ſtout Sir Fl-tch-r fell Sir C—les,
A ſcribe of good account ;
And D-dſw-ll the exchequer man,
Whoſe proweſs did ſurmount.

Now poor Sir John I needs muſt wail
Like one in doleful dumps ;
For, getting on the tr—ſ—y bench,
He never ſtirr'd his ſtumps.

And with old Winc—— did fall
The ſturdy doctor H—y ;
Nor New—— would quit the field
While he had ſtrength to ſtay.

Nor S—d—h, nor yet Hal——x,
Could either ſaved be ;
Lord Car—f—t was carried off,
Againſt his will went he.

And the lord Eg—-t in like wiſe
Forſook the admiralty ;
And twenty more, or knights or p—rs,
Were ſhortly forc'd to fly.

Of fifty true born Engliſhmen,
Staid in but two or three ;
The reſt live at their country ſeats,
Under the green-wood tree.

Next month will many m-mb-rs come,
Their raſhneſs to bewail;
And ſay if they are not reſtor'd,
Why they muſt go to jail.

Their wives do play ſo much at cards,
And throw ſuch ſums away;
Would ſerve to keep a ſcore of w—s,
If they were clad in clay.

The news was unto Paris brought,
And eke the court of Spain;
E— T—— in the miniſtry
Would ſcarce have weight again.

Oh heavy news! John Wilkes did ſay,
Churchill * can witneſs be,
I have not any patron more
Of ſuch account as he.

Like tidings to St. J—-s's came,
Within a ſhorter ſpace,
That R—— G———, lord of Stow,
Refus'd to take a pl--ce.

Then God be with him, ſaid the court,
Sith 'twill no better be;
We truſt there is about the helm,
Five hundred good as he.

Yet ſhall not G----r nor W--tw--h ſay
But we will vengeance take:
And juſt revenge ſhall on them fall,
For deareſt St——'s ſake.

This vow was then full well perform'd,
When ——— ——— came to town;
With P--s and P—— C———rs,
Men but of ſl-—t renown.

And of the reſt of true account,
Why they were all p--t by;
To make a D—— of Sir H——- S——,
Who made himſelf P——y.

God ſave the King, and bleſs the land,
In plenty, joy, and peace;
And grant henceforth that all regard
To b-—th and m-rit ceaſe.

W. Y. W.

* See Churchill's Satires.

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